

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.341 OF 2023

**RANJANA W/O. LIMBAJI WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA**

Mr. P. B. Waghmare, Advocate h/f Mr. N. G. Khan, Advocate for the petitioner

Mr. G. O. Wattamwar, APP for the respondent/State

CORAM : R. M. JOSHI, J.

DATE : 25th JULY, 2023

P.C. :-

1. This petition is filed taking exception to the order dated 05/07/2022 passed by JMFC, Aurangabad in RCC No. 1103/2020 rejecting application for discharge and unsuccessful challenge to the said order in Criminal Revision Application No. 236/2022.

2. Learned counsel for the petitioner states that thought he petitioner is mother-in-law of the informant however as per the statements of the informant in the first information report the parents-in-law used to stay at different place than the matrimonial home Misarwadi of the informant. He has drawn attention of the Court to the contents of the FIR in order to argue that there are no specific averments against the present petitioner of causing harassment which amounts to

offence punishable under Section 498-A of IPC. It is further argued that the other offences are also not attributable against the present petitioner. It is his submission that even if the statements made in the first information report are accepted as it is no offence can be proved against the petitioner.

3. Learned APP opposed the petition by contending that the informant has named present petitioner in the first information report. According to him since the petitioner is the mother-in-law of the informant and as there are allegations against her of causing harassment to the informant, this is not a fit case for discharge of the petitioner.

4. Perusal of the first information report shows that the informant herself admitted that she was staying in the matrimonial home at Misarwadi along with her husband and three children. It is further specifically stated that therein that the parents-in-law are residents of Khadkeshwar. It is further case of the informant that her husband used to demand Rs.2 lakhs for the purpose of construction of house and on that account he used to cause physical and mental harassment to her. No such allegation is made against the present petitioner. The allegations of the alleged abuses are omnibus and providing without particulars. In order to constitute an offence punishable under Section 498-A of IPC the

woman must be subjected to the cruelty which is explained as any willful conduct which of the nature as is likely to drive the woman to commit suicide or cause grave injury or danger to her life. Admittedly, there is no application for this provision to the present case. Secondly there is no harassment of the informant with a view to coercing her or any person related to her to meet unlawful demand for any property of any valuable security. In such circumstances assuming that the evidence of the informant goes unchallenged, the offence punishable under Section 498-A cannot be proved. As far as other offences are concerned, for want of particulars the said offences also cannot be established by the prosecution. In such circumstances, it is a fit case for discharge of the petitioner. Hence, the impugned orders are set aside. The petitioner stands discharged in R.C.C. No. 1103/2020. Petition is allowed in above terms.

(R. M. JOSHI, J.)

ssp