

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

CRIMINAL APPLICATION NO.1165 OF 2023

1. Hemant Gulabrao Nikam
2. Gulabrao Vasant Nikam
3. Shashikala Gulabrao Nikam
4. Nikita Milind Jagtap
5. Milind Ashok Jagtap

... APPLICANTS

VERSUS

1. The State of Maharashtra
2. Leena Hemant Nikam

... RESPONDENTS

.....
Mrs. Sabahat T. Kazi, Advocate for applicants
Mr. R.B. Bagul, A.P.P. for respondent No.1.
Mr. M.R. Wagh, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 24th JULY, 2023

ORDER :

After having heard learned counsel for the applicants for some time, the Court expressed disinclination to allow the application of applicants No.1 to 3. Learned counsel for the applicants, therefore, came around to withdraw the application of applicants No.1 to 3. The application of applicants No.1 to 3 stands disposed of as withdrawn.

2. The applicant No.4 is a married sister-in-law of the respondent No.2 while the applicant No.5 is her husband. Both of them are residing at Kalyan, District Thane.

3. On marriage, the respondent No.2 wife stayed at her matrimonial home for about two months and then shifted to Pune since her husband was serving there. What can be gathered from the F.I.R. and the police statements is that, the husband and all the in-laws would harass and ill-treat the respondent No.2 wife, suspecting her character. They also made a demand of Rs.20 Lakhs for purchase of the flat in Pune. A sum of Rs.10 Lakhs is said to have been paid to the husband and his father.

4. Admittedly, the husband purchased the Flat in Pune around the same time. There are statements of the parents of the respondent No.2 wife and even other relations to prima facie suggest that some amount was paid to the husband and his father.

5. So far as regards applicants No.4 and 5 are concerned, the allegations against them are general, vague and omnibus. They were said to be present when the amount was paid. No specific incident of demand made by them has been highlighted either in the F.I.R. or in the statements of the relations of the respondent No.2 wife. In the circumstances, asking them to stand trial, based on such material would be an abuse of process of

Court.

6. So far as the applicants No.2 and 3 – parents in law of the respondent No.2 wife are concerned, the trial Court shall be liberal in granting them permanent exemption from appearance, if asked for. Needless to mention, the trial Court shall enforce their presence as and when required, provided the learned Advocate appearing for these applicants No.2 and 3 before the trial Court will co-operate to take the trial to its logical conclusions.

7. In view of the above, following order :

ORDER

(i) The application is partly allowed.

(ii) The application of applicants No.4 and 5 is allowed in terms of prayer clause (B) and (B-1).

(iii) The application is disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-