

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

73 CRIMINAL WRIT PETITION NO.773 OF 2023

POOJA BASANT SHARMA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Rahul A. Tambe
APP for Respondent No.1: Mr. S.N. Morampalle
Advocate for Respondent No.2 : Mr. N.V. Mirajkar h/f Ms. S.G.
Sonwane

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th SEPTEMBER, 2023.**

PER COURT :-

Leave to amend the prayer clause. Amendment be carried out forthwith.

2. The petitioner herein is not related to respondent No.2's husband. It is alleged that the her husband has illicit relations with the present petitioner. Close reading of the F.I.R suggests that no overt act has been attributed to the present petitioner. Although the learned A.P.P and learned advocate Mr. Mirajkar h/f Ms. Sonwane, for respondent No.2 have strongly resisted to allow the application, we allow the same in view of the fact that the petitioner being not related to the husband of respondent No.2, Section 498-A of I.P.C. could not have been invoked against the petitioner. Moreover, no overt act has been attributed to her. In these circumstances, directing

the petitioner to stand trial would be an abuse of process of the Court.

3. In view of the above, the writ petition is allowed in terms of prayer clause "B".

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/