

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

950 CRIMINAL WRIT PETITION NO.1037 OF 2021

**NEERAJ KANTILAL GAIKWAD
VERSUS
MADHURI MANOJ GAIKWAD AND OTHERS**

...
Advocate for Petitioner : Mr.Sant Tapan Kishor
APP for Respondent No. 6 State : Mr. A.S.Shinde
Advocate for Respondent Nos. 1 to 5 : Mr.Wani Girish V.

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**CORAM : R. G. AVACHAT, J.
DATE : 19.04.2023.**

PER COURT :

1. Heard.
2. The challenge in this Writ Petition is to the order dated 04.03.2021 passed by the Court of Additional Sessions, Jalgaon in Criminal Revision Application No. 125 of 2019, whereby, the order of issuance of process for the offences punishable under Sections 499/500 read with Section 34 of the Indian Penal Code came to be set aside.
3. The petitioner herein is the original complainant in SCC No. 4593 of 2018. The factual matrix is that the petitioner is the brother-in-law of the respondent No. 1 herein.

Respondent No.1 had lodged First Information Report for the offence punishable under Section 498-A and related offences of the Indian Penal Code against the petitioner, her husband and other in-laws. The said FIR has been quashed by this Court. In the said FIR, it was alleged that the present petitioner had physically assaulted respondent No. 1 and even ill-treated her by various means. Her parents-in-law and other relations of matrimonial side had also been made accused in the case since they had reiterated in their police statements, the allegations made by respondent No. 1 in the FIR that has been quashed.

4. The order of issuance of process was taken exception to by the filing of the Criminal Revision Application. The Revisional Court found that the case falls under the exception of Section 499 of the IPC and therefore, set aside the order of issuance of process.

5. True, this Court may not be in agreement with the reasons given by the learned Additional Sessions Judge in support of the impugned order. It is informed that respondent No. 1 and her husband have now settled their dispute and

residing happily as husband and wife. It is not known as to why his brother wants to pursue the matter. Although the averments made in the FIR and the statements of the relations of respondent No. 1 may prima-facie be defamatory, this Court in exercise of its discretionary jurisdiction under Article 227 of the Constitution of India is not inclined to interfere with the impugned order. The Writ Petition is, therefore, dismissed.

(R. G. AVACHAT)
JUDGE

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