

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

59 CRIMINAL WRIT PETITION NO.1395 OF 2022

**VAISHALI W/O. PRAKASH GHATGE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. Ravindra Vitthal Gore, Advocate for the petitioners
Mr. Santosh N. Patne, Advocate for respondent No.2
Mr. P. N. Kutti, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 13th MARCH, 2023

P. C.

1. This petition initially was filed by the sister-in-law/petitioner No.1 and mother-in-law/petitioner No. 2 of the complainant.

2. This petition to the extent of petitioner No.2 stands disposed off as withdrawn.

2. Thus, now only the petition is in respect of sister-in-law/petitioner No.1. The respondent filed a complaint for the offences punishable under Sections 498-A, 323 read with section 34 of the Indian Penal Code. No specific allegation is assigned to

petitioner No.1. It is stated that at her instigation the husband is ill treating the complainant. So far as the other allegations are concerned it is only stated that all accused Nos. 1 to 3 have committed act. Thus, it is seen that there are no specific allegations. It is specific case of petitioner No.1 that she is married and is residing separately. As a matter of fact she was residing in Aurangabad. However later on she shifted to Solapur. It is specifically stated that she is not residing in the family of the respondent and staying away from her house.

2. The learned advocate for the petitioners submits that thus when there are no specific allegation no purpose would be served by prosecuting her. The proceeding would be clearly an abuse of process of law and prays for quashing of proceeding.

3. Learned advocate for the respondents vehemently opposed the petition. He submits that this petitioner is in fact the person who always instigates her and therefore, she is made to face to ill treatment and harassment at the hands of her

husband.

4. Considering the statements recorded at the time of verification this court finds that no specific allegations are made to the extent of petitioner No.1. Thus, the petition stands allowed in terms of prayer clause-B to the extent of petitioner No.1. With this, petition stands disposed off.

[KISHORE C. SANT, J.]

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