



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

CRIMINAL WRIT PETITION NO. 268 OF 2024

Yogesh Amrutrao Solanke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sudarshan J. Salunke, Advocate for the Petitioner.

Shri G. A. Kulkarni, A.P.P. for the Respondents/State.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 22 FEBRUARY 2024.

FINAL ORDER :

. Though the notice was issued, since the petitioner who claims to be the husband of the victim stating that she has been confined at the parental home, the learned advocate for the petitioner tenders across the bar a copy of the order passed by the Judicial Magistrate First Class, Majalgaon dated 12 February 2024 in Misc. Criminal Application No. 12 of 2024 preferred by the very same petitioner U/Sec. 97 of the Code of Criminal Procedure seeking search warrant.

2. Paragraph No. 6 of the order dated 12 February 2024 reads as under :

“6. However, Sec. 97 of Cr.P.C. envisage there must be confinement & under such circumstances that the

confinement amount to an offence. In order to ascertain whether Mrs. Shruti has illegally detained and confined by non applicant, this court directed non applicant to produce her at Ghansavangi court for video conference vide order below Exh.1. According, through Ghansavangi Court Mrs. Shruti present before me via video conferencing at the time applicant and his Ld advocate also present before this court. On question put to her, she stated as per her free will without any undue influence from her parents she is residing with her parents. She further stated her parents never illegally detained her and she do not want to reside with applicant. She further states that, applicant threatening her parent for dire consequences by making phone call on their mobile phone. She further made request to this court to protect her parents by giving appropriate direction to the applicant. Thus I do not find Mrs. Shruti illegally detained by her parents and under influence she answering question put up to her. Therefore, contention raised by applicant suffer serious infirmity.”

3. Once having seen that the victim is happily cohabiting with the parents of her free will, the criminal writ petition is disposed of.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Feb. 24