



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

**CRIMINAL WRIT PETITION NO.285 OF 2024**

VAISHALI SATISH DHAWLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Tukaram Maruti Venjane, Advocate for the Petitioner

Mr. S.V. Hange, APP for Respondent No.1/State

...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 22<sup>nd</sup> FEBRUARY, 2024**

**PER COURT :**

1. Petitioner by this petition filed under Article 227 of the Constitution challenges order dated 23/11/2023, passed by learned Additional Sessions Judge, Nanded, below Exhibit-153 in Sessions Case No.155/2018, thereby allowing application filed by respondent No.2 under Section 227 of the Code of Criminal Procedure.

2. Petitioner has lodged FIR on 22/08/2016 alleging physical and mental ill-treatment at the instance of her in-laws as they were insisting that she should bring Rs.3 lakhs from her maternal home. On 26/08/2016, she forwarded complaint to Additional Superintendent of Police, Nanded, against nine accused persons named in the FIR. On 31/08/2016, her supplementary statement is recorded wherein she has stated that her husband accused No.1 attempted to commit her murder by strangulating her. Her another supplementary statement was recorded on 19/11/2017, wherein she has implicated respondent No.2 stating that he is

brother of her brother-in-law's wife and he used to visit their house. He told petitioner to bring Rs.3 lakhs from her parents and she should listen to her in-laws and bring the money. He is in police department and if her parents lodge FIR against accused persons, he will save them. As petitioner took name of respondent No.2 in her supplementary statement he was added as accused No.12 in the crime. After completion of investigation, on 23/02/2018 charge-sheet was filed against 17 accused persons and the case is numbered as Sessions Case No.155/2018. Respondent No.2 filed application Exhibit-153 under Section 227 of Cr.P.C. in the said case for discharge. The same is allowed by trial Court. Hence, present writ petition.

3. Heard learned APP for respondent No.1/State and learned advocate for petitioner. Perused the documents placed on record.

4. Learned advocate for petitioner submits that respondent No.2 has played active role in commission of offence. He has influenced police personnel due to which police have initially not registered offence under Section 307 against accused persons. On 10/10/2016, petitioner has complained to Superintendent of Police that respondent No.2 has influenced police personnel at CIDCO Rural Police Station, Nanded, not to record allegation of petitioner that her husband attempted to kill her by pressing her neck. He, therefore, submits that impugned order is unsustainable and the

same may be quashed and set aside.

5. Perusal of record indicates that there is no material against respondent No.2 for framing of charge. In the FIR as well as first supplementary statement, petitioner has failed to name respondent No.2. FIR is lodged on 22/08/2016 and after almost three months i.e. on 19/11/2017 petitioner has implicated respondent No.2. Even if narration in the said supplementary statement is taken into consideration, the only allegation levelled against respondent No.2 is that he told petitioner that when her husband and his sister have asked to bring her Rs.3 lakhs from her parents, why she is not bringing the same and she should obey her husband and in-laws. He is in police department and if her parents file any case he will save her in-laws. Allegations levelled against respondent No.2 appear to be afterthought. Admittedly, respondent No.2 was staying at Nanded, and petitioner along with her husband was staying at Pankajnagar, village Dhanegaon.

6. Learned Sessions Judge has assigned proper reasons while allowing discharge application filed by respondent No.2. No case is made out by petitioner to interfere in the order passed by the Sessions Court, in exercise of extraordinary writ jurisdiction. Writ petition being devoid of merits, is dismissed.

**(NITIN B. SURYAWANSHI, J.)**