



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

119 CRIMINAL WRIT PETITION NO. 783 OF 2023

1. Sarvesh Motilal Bagal-**withdrawn**
2. Motilal Rajaram Bagal-**withdrawn**
3. Pratibha Motilal Bagal-**withdrawn**
4. Megha Ankur Patil
5. Ankur Suryakant Patil

..PETITIONERS

-VERSUS-

1. The State of Maharashtra
2. Punam Sarvesh Bagal

..RESPONDENTS

Advocates for the Petitioners : Mr. Kulkarni Suniket Anil & Ms. Rutuja L. Jakhade

APP for Respondent/State : Ms.M.L. Sangit

Advocate for Respondent no.2 : Mr. Mahajan Sudhakar T.

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 18th September, 2024.

P.C.:

1. By this writ petition, the petitioners are seeking quashment of proceedings in R.C.C. no.94 of 2021 against the petitioners i.e. petitioner nos.4 and 5 pending before the Judicial Magistrate, First Class, Amalner, Dist. Jalgaon.
2. It is contention of the learned counsel for the petitioners that respondent no.2 has filed complaint under sections 498-A, 323, 504 and 506 of the Indian Penal Code against the petitioners and co-accused. The said complaint has been registered as R.C.C. no.94 of 2021. Petitioner no.4 is sister-in-law of respondent no.2 and petitioner

no.5 is husband of petitioner no.4. They stay at Tathawade, Dist. Pune. They have no concerned with respondent no.2 and other co-accused. The marriage of petitioner no.4 has been performed prior to marriage of respondent no.2 and accused no.1 i.e. husband of respondent no.2. Only to harass the petitioners their names have been mentioned in the complaint. The allegations against these petitioners are that they instigated the co-accused to cause mental and physical harassment of respondent no.2. Considering the allegations against the petitioners, if the trial is continued, it will cause harassment to them, therefore, it is requested to quash the proceedings against the petitioners.

3. It is contention of the learned APP along with the learned counsel for respondent no.2 that petitioner no.4 is sister-in-law and petitioner no.5 is husband of petitioner no.4. Respondent no.2 has filed various proceedings against her husband and family members. Being sister-in-law, petitioner no.4 has instigated the husband and other co-accused to cause harassment of respondent no.2. Respondent no.2 has specifically narrated the incident caused at the instance of petitioner nos.4 and 5. Without recording evidence, the proceedings can not be quashed against the present petitioners and requested to dismiss the writ petition.

4. I have heard all the learned counsel. Perused the complaint and documents produced on record.

5. The allegations against the petitioners are that they instigated

the co-accused to cause harassment to respondent no.2. It appears from the record that the marriage of petitioner no.4 is performed before the marriage of respondent no.2 with accused no.1 and they are staying at Pune. Considering these facts, the proceedings against the petitioners can not be sustained. There are no specific allegations against the petitioners. Only allegations against them are about instigation. It shows that being family members they have been added as accused in the complaint. Considering these facts, I pass the following order :-

ORDER

- (i) Writ petition is allowed to the extent of petitioner nos.4 and 5.
- (ii) The proceedings in R.C.C. no.94 of 2021 against the petitioners i.e. petitioner nos.4 and 5 pending before the Judicial Magistrate, First Class, Amalner, Dist. Jalgaon are quashed and set aside.

[SHIVKUMAR DIGE, J.]