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**THIS ORDER IS CORRECTED AND UPLOADED IN VIEW OF
THE ORDER DATED 26-06-2025.**

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

28 CRIMINAL WRIT PETITION NO. 31 OF 2025

MANJUSHA KIRAN KADAM AND OTHERS

....Petitioners

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondent

Mr. S. G. Jadhavar, Advocate for the petitioners

Mrs. Chaitali Choudhari-Kutti, APP for the respondents/State

Mr. V. B. Dhage, Advocate for the respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 26th JUNE, 2025

P. C.

1. Heard.

2. The accused in RCC No. 48/2022 have approached this court challenging the order passed by the learned Sessions Judge-4, Latur in Criminal Revision Application No.49/2023 dated 27-09-2024 whereby revision preferred by this petitioners challenging the order of issuance of process came to be

dismissed and confirmed the order dated 24-01-2022.

3. The respondent No. 2-complainant filed a complaint in the court of learned Chief Judicial Magistrate, Latur against the present petitioners for the offences punishable under Sections 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code. The present petitioner Nos.1, 2 and 3 are the sisters-in-law of the informant. Petitioner No.4 is the husband of petitioner No.3 and petitioner No. 5 is the maternal uncle of the husband.

4. It is alleged that she was married with Kapil on 11-11-2018. Thereafter she was harassed by the accused persons. The marriage was performed in haste. In the marriage amount of Rs.2,75,000/- was paid towards dowry, Rs. 50,000/- for suit, shoes, coat, locket of the 2-tolas, one gold ring of 1-tola, fridge, cupboard, etc. On the marriage, the father of the informant spent around 3 lakhs. Total expenses of marriage were around Rs.10 lakhs. There was still demand of some more amount.

There were instances of keeping the informant in starved condition without providing food.

5. The learned Magistrate recorded verification. In the verification complainant reiterated the allegations. The learned Magistrate on recoding verification issued order of issuance of process for the offence under sections 498-A and 323 and dismissed the complaint. So far as allegations under Section 504 and 506 are concerned, this order came to be challenged in the revision. As stated above, revision came to be dismissed and thus, the petitioners are before this court.

6. The learned advocate for the petitioners vehemently argued that taking the complaint and the verification as it is, no case is made out against the present petitioners. He submits that the present petitioners are residing out side the jurisdiction of the Latur Court. No proper procedure is followed of postponement of issuance of process. He, thus, submits that after all these counts as well, the learned court failed to

appreciate and passed an impugned order.

7. Mr. Dhage, learned advocate for the respondent vehemently opposes the petition. He submits that the informant has categorically given the instances of assault. There was demand of amount. In the marriage parents of the informant were made to spent more than Rs. 10 lakhs. In spite of fulfilling all the demands, she was not treated properly. He submits that certainly a case is made out to go for trial. He, thus prays for rejection of the criminal writ petition.

8. The learned APP also supports the order.

9. This court has considered the complaint and verification statement. Though many things have stated in the complaint, however, no details are given. At the most allegation is that husband and in-laws ill-treated the informant at the instigation of petitioner Nos. 1 to 3. Allegations against the petitioner No. 5 is that he was the person who settled the

marriage. In the verification statement, it is stated that on trivial issues petitioner Nos. 1 to 4 used to harass complainant mentally and physically. The allegation is mainly against accused No. 2 that she made accused No. 1 i.e. husband to harass the complainant. This court finds that this material is too short to attract ingredients of section 498-A and 323. In the verification statement no particulars of date, time or even places are given. This court finds that the learned Sessions Judge failed to appreciate this aspect. The learned Sessions Court has mainly considered that recording verification i.e. sufficient compliance of section 202 of the Cr. P. C. The allegations were not properly considered so as to as to whether ingredients of offences are made out or not. As observed earlier, this court finds that no ingredients of any of the offences are made out. So far as present petitioners are concerned, this court, therefore allowed the writ petition. The writ petition stands allowed in terms of prayer clause-B.

10. The proceeding of RCC No. **48/2022** pending before

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the learned JMFC, Latur stands quashed to the extent of present petitioners.

11. It is made clear that observations made in this petition are only as regards the present petitioners. The trial court shall not be influenced by these observations.

[KISHORE C. SANT, J.]

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