



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

CRIMINAL WRIT PETITION NO. 657 OF 2025

1. Vishwanath S/o. Baburao Salunke,
age 45 years, occ. Agri.,
R/o. Shivankhed, Tq. Chakur,
Dist. Latur.
2. Surekha W/o. Vishwanath Salunke,
age 43 years, occ. Household,
R/o. As above.
3. Puja W/o. Digambar nandve,
age 28 years, occ. Household,
R/o. Ramvadi, Tq. Renapur,
Dist. Latur,

At present R/o. Kalva Naka,
Thane, Mumbai.

4. Rani D/o. Vishwanath Salunke,
age 26 years, occ. Education,
R/o. Shivankhed, Tq. Chakur,
Dist. Latur,

At present R/o. C/o. Laxman Shete,
Mitra Nagar, Near Gore Hospital,
Latur, Tq. & Dist. Latur.

....Petitioners

Versus

1. Shivnanda W/o. Balu Salunke,
age. 28 years, Occ. Household,
R/o. At present, Sant Goroba Society,
Latur, Tq. & Dist. Latur.
2. Balu S/o. Vishwanath Salunke,
age 31 years, occ. Agri & Mechanic,
R/o. Shivankhed, Tq. Chakur,
Dist. Latur.

....Respondents

Advocate for Petitioners : Mr. S.P. Katneshwarkar
Advocate for Respondent No. 1 : Mr. R.D. Gaikwad

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CORAM : ABHAY J. MANTRI, J.
DATE : 23RD DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally, with the consent of the learned Advocates for the parties, at the admission stage.
2. By this petition, petitioners have invoked the inherent jurisdiction of this Court to quash the proceedings bearing R.C.C. No. 1301/2023, pending before the learned Judicial Magistrate First Class, Latur (Court No. 8) (for short '**learned Magistrate**').
3. It is pertinent to note that during the hearing on 18.12.2025, learned Advocate for respondent no. 1, i.e. original complainant, on instructions, made a statement that respondent no. 1 is ready and willing to withdraw the complaint against petitioner nos. 3 and 4 herein, i.e. respondent no. 4 and 5, before the learned Magistrate on or before 22.12.2025, and shall file pursis before this Court to that effect. Similarly, learned counsel for the petitioner, on instructions, undertook to withdraw the petition against the petitioner nos. 1 and 2; accordingly, the statement was recorded. Today again, learned Advocate for the petitioner, on instructions, confirmed the said statement and

seeks leave to withdraw the petition on behalf of petitioner nos. 1 and 2. His statement is accepted. Leave is granted. In view of the statement, the petition is dismissed against petitioners nos. 1 and 2. However, the learned Advocate for the respondent No.1 submitted that, due to a holiday on Friday, the respondent No.1 could not withdraw the application against the applicants No.3 and 4 until this date.

4. Apart from the statement of the learned Advocate for respondent no. 1, I have gone through the complaint and verification statement of respondent no. 1, before the learned Magistrate, *prima facie*, no allegations or averments appear against petitioner nos. 3 and 4, about causing ill-treatment or cruelty to respondent no. 1. Similarly, no specific instances of harassment were mentioned in the complaint or stated by respondent no. 1, during her verification against petitioner nos. 3 and 4. Besides, no specific role or allegations were levelled against the petitioner nos. 3 and 4 in the verification statement, to demonstrate that they have subjected respondent no. 1 to the cruelty. Therefore, only stating the cruelty had been committed by the petitioner nos. 3 and 4 would not amount to an offence under section 498-A of the Indian Penal Code (for short, '*the IPC*'). Similarly, no averment appears in the verification statement against the petitioners no. 3 and 4, to attract the ingredients of Sections 323, 504 and 506 read with 34 of the IPC;

therefore, in my view, it would be unjust if petitioner nos. 3 and 4 are compelled to undergo the tribulation of a trial.

5. In view of the statement of the learned advocate for the respondent as well as the averment in the complaint and verification statement, I deem it appropriate to quash the proceedings against petitioner nos. 3 and 4. Accordingly, the petition is partly allowed.

6. The petition against petitioners nos. 1 and 2 is dismissed as withdrawn. The proceedings bearing R.C.C. No. 1301/2023, pending before the learned Judicial Magistrate First Class, Latur (Court No. 8), against petitioner nos. 3 and 4 are hereby quashed and set aside.

7. Inform the learned Magistrate accordingly. The rule is partly made absolute. No order as to costs.

(ABHAY J. MANTRI, J.)

SPC