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

43 CRIMINAL WRIT PETITION NO. 936 OF 2021

MANJULABAI W/O. KHABRACHAND KALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Ms S. L. Awchar, Advocate for Petitioner (appointed)
Mr C. V. Bhadane, APP for Respondent No.1/State
Mr A. S. Gandhi, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 8th DECEMBER 2025

P. C. :

1. By this petition, the petitioner prays for quashing and setting aside the order dated 16/12/2019, passed by learned Additional Sessions Judge, Ahmednagar in Criminal Revision Application No.22/2019 thereby setting aside the order dated 13/07/2018, passed by learned Judicial Magistrate First Class, Ahmednagar in S.C.C. No.2563/2018.

2. Petitioner had filed complaint before the learned Judicial Magistrate First Class, Ahmednagar vide S.C.C. No.2563/2018. Learned Magistrate vide order dated 13/07/2018 issued process against respondent No.2. Respondent No.2 assailed the said order before the

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learned Additional Sessions Judge, Ahmednagar vide Criminal Revision Application No.22/2019. Learned Sessions Judge, while giving detail reasons, allowed the said revision application thereby quashing and setting aside the order of learned Judicial Magistrate, summoning respondent No.2 to face the trial of offences punishable under Sections 323, 504 and 506 of the Indian Penal Code. Being aggrieved by the said order, petitioner has approached this Court

3. Heard Ms Awchar, learned Advocate (appointed) for petitioner, learned APP Mr Bhadane for respondent No.1/State and learned Advocate Mr Gandhi for respondent No.2.

4. Learned Advocate for petitioner submits that the learned Additional Sessions Judge, Ahmednagar while allowing revision application has committed a grave error by setting aside the order of learned Judicial Magistrate, Ahmednagar. She then submits that the order of learned Additional Sessions Judge is contrary to the provisions of law. She further submits that learned Sessions Court has not considered the factual aspect of matter in correct perspective. She then submits that the order of learned Additional Sessions Judge suffers from illegality. She, therefore, prays that the same may be quashed and set aside by confirming the order of the learned Judicial

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Magistrate and complaint against respondent No.2 may be proceeded further. Thus, she prays for allowing the present petition.

5. Per contra, learned Advocate for respondent No.2 submits that petitioner has filed frivolous and false complaint against respondent No.2. He then submits that even respondent No.2 do not recognize the petitioner. He then submits that petitioner had claimed that she was working under building site at Dwarkadhish Colony as a watchman, however, the said building work was closed in the year 2005 and therefore, there was no question of employing anybody as a watchman at that site. He then submits that complaint suffers from disputed questions of fact and respondent No.2 has been unnecessarily dragged in a false complaint in order to extract money from him. He, therefore, prayed for dismissal of the present petition.

6. After going through the submissions of the learned Advocates for the respective parties and after perusing the impugned order, it is clear that the petitioner in order to extract amount from respondent No.2 has unnecessarily implicated him into this litigation. Learned Additional Sessions Judge has also observed that the petitioner is in habit of making such frivolous complaints. She being litigious in character, learned Sessions Court rightly allowed the

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revision of respondent No.2 thereby quashing and setting aside the order of learned Judicial Magistrate of issuing process against respondent No.2. The order being reasonable one and correct one, I found that no interference is required in the said order. The present petition is, therefore, dismissed.

7. Fees of learned Advocate appointed to represent petitioner is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

sjk