



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

CRIMINAL REVISION APPLICATION NO. 296 OF 2024

. Mohini W/o Anand Doiphode
Age: 28 years, Occu.: Household,
R/o. : Chikhali, Tq.Ahmedpur,
Dist.Latur.Applicant

Versus

- 1] The State of Maharashtra
Through Police Inspector,
Police Station, Kingaon,
Tq.Ahmedpur, Dist.Latur.
- 2] Anand S/o Narayan Doiphode
Age: 33 years, Occu.: Service,
R/o. Gulmandi, Near Paithan Gate Parking,
Ashwini Tailors, Aurangabad.
- 3] Narayan S/o Tulshiram Doiphode
Age: 65 years, Occu.: Agri.,
R/o. : Gulmandi, Near Paithan Gate Parking,
Ashwini Tailors, Aurangabad.
- 4] Gangabai W/o Narayan Doiphode
Age: 55 years, Occu.: Household,
R/o. : Gulmandi, Near Paithan Gate Parking,
Ashwini Tailors, Aurangabad.
- 5] Ashwini D/o Narayan Doiphode
Age: 37 years, Occu.: Service,
R/o. : Gulmandi, Near Paithan Gate
Parking, Ashwini Tailors,
Chh. Sambhajinagar.
- 6] Manchak S/o Vitthalrao Dongare
Age: 70 years, Occu.: Agri.,
R/o. : Gondhala, Tq.Renapur, Dist.Latur.

7] Narmada W/o Manchak Dongare
Age : 67 years, Occu.: Household,
R/o. : Gondhala, Tq.Renapur,
Dist. Latur.

8] Laxman S/o Manchak Dongare
Age: 46 years, Occu.: Agri.,
R/o. : Gondhala, Tq.Renapur,
Dist.Latur.

9] Omprakash S/o Manchak Dongare
Age: 48 years, Occu.: Agri.,
R/o. : Gondhala, Tq.Renapur,
Dist.Latur.

.....Respondent

(Res.No.2 to 9 are Orig. Accused)

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Advocate for Applicant : Mr. Shrikant G. Kawade

APP for Respondent no.1 : Mr.S.A.Gaikwad

Advocate for Respondent nos.2 to 9 : Mr.Mahadev Ramkisan Andhale

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 NOVEMBER, 2025

PRONOUNCED ON : 11 NOVEMBER, 2025

ORDER :

1. Revisionist hereby assails judgment and order dated 24-07-2024 passed by learned Additional Sessions Judge, Ahmedpur on application Exh.41, which was an application seeking discharge under Sections 227 and 228 of the Code of Criminal Procedure (Cr.P.C.), in Sessions Case No.22 of 2023.

2. Learned counsel for revisionist pointed out that undisputedly revisionist was married to respondent no.2 herein on 29-10-2020. That, after initial period of 4-5 months, there was both physical and mental harassment and even marital rape coupled with unnatural sexual intercourse. That, accused husband and in-laws together indulged in inflicting physical and mental harassment. That, revisionist was constrained to leave house of respondent in-laws and was required to live with her parents. Therefore, revisionist was constrained to file report alleging commission of offence under Sections 498-A, 323, 376, 377, 504, 506 of Indian Penal Code (IPC). That, after thorough investigation, chargesheet was filed, which contains all necessary ingredients for attracting above offence. That, in spite of so, learned trial Court, while deciding application for discharge, observed that only offence under Sections 498-A and 323 of the IPC was made out against accused that too only against husband and mother-in-law and thereby discharged both of them from rest of the offences. It is pointed out that remaining original accused nos.2 alongwith 4 to 8, who were also party to the above acts of harassment were also surprisingly discharged.

3. Learned counsel pointed out that, learned trial Court failed to

consider and appreciate that, it was not at all case for entertaining discharge. There was *prima facie* sufficient material to frame charge and undertake trial, however, by passing erroneous and perverse order, accused are discharged for some of the serious offences and hence, learned counsel urges for indulgence by allowing the application.

4. Supporting the impugned order, learned counsel for respondent nos.2 to 9 pointed out that, complaint is apparently false, after thought and out of vindictive attitude annoyance, and due to strain relationship with husband. It is pointed out that, respondent nos. 6, 7, 8 and 9 are resident of distinct places and they had nothing to do with day-to-day affairs of husband and wife, however, with ill-intention to rope in entire family, without any substance or material, they too are tried to be implicated. That, the learned trial Court was pleased to appreciate the material in the light of requirement of discharge and was convinced that there was no *prima facie* case made out against such respondents and even by applying settled and recent legal position, husband was also discharged from offence under Sections 376, and 377 of the IPC. Therefore, according to him, impugned order being perfectly legal and valid, need not be

disturbed.

5. Heard both sides to their satisfaction. It seems that present revisionist was married to respondent no.2 husband. However, wife seems to have set law into motion by lodging FIR on 28-09-2022 against husband and in-laws alleging commission of offence under Sections 498-A, 323, 376, 377, 504 and 506 of the IPC. Report lodged by informant wife was investigated and chargesheet was filed, after which, application Exh.41 seems to have pressed into service by husband and his relatives seeking discharge under Sections 227 and 228 of the Cr.P.C.

6. Before advertng to merits of the case, it would be just and proper to spell out settled legal position while considering discharge application under Sections 227 and 228 of the Cr.P.C. It is fairly settled position that, at such stage, Court dealing with such application is merely expected to determine existence of *prima facie* material for proceeding to frame charge and make accused persons face trial. Material gathered during investigation is expected to be sifted with limited purpose to find out whether there are sufficient grounds to proceed against accused. Neither in-depth analysis nor meticulous analysis of evidence is expected at such stage. Thus, the

only duty of Court is to ascertain whether there is *prima facie* material suggesting existence of essential ingredients for the offences, which are alleged to be committed.

Above position has been time and again reiterated since the cases of State of *Bihar v/s Ramesh Singh* (1977) 4 SCC 39; *Union of India v. Prafulla Kumar Samal and Another* (1979) 3 SCC 4, and a decade back in the cases of *Sajjan Kumar v. Central Bureau of Investigation* (2010) 9 SCC 368; *Amit Kapoor v. Ramesh Chander and another* (2012) 9 SCC 460; *State of Tamil Nadu (By Inspector of Police Vigilance and Anti-Corruption) v. N.Suresh Rajan and Others*. (2014) 11 SCC 709; *Asim Shariff v. National Investigation Agency* (2019) 7 SCC 148; and *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

7. In above backdrop, FIR is visited and even statements of relevant witnesses, which are recorded by investigating machinery, are visited. It appears that, prior to setting law into motion, complaint was also registered with Women's Redressal Forum wherein informant has levelled allegations against husband for harassing her under influence of liquor and attributing demand of Rs.10,000/- to mother-in-law Gangabai. Therein, informant also

alleged commission of unnatural sex committed by husband that too at the instance of in-laws. Subsequently, it seems that, detailed FIR has been lodged also against relatives of husband for visiting their house and inflicting cruelty. Therefore, as regards to allegations against other family members are concerned, there was no whisper in the application made to Women's Redressal Forum. It appears that, infact, such relatives are resident of distinct places and FIR seems to be devoid of specific details of their visits and form of cruelty. As submitted by learned Counsel for respondents, FIR is exaggerated version, more particularly, against original accused nos.2, 4 to 8. However, as regards to original accused no.1 husband and accused no.3 - mother-in-law, there are consistent allegations of beating under influence of liquor and putting up demand of Rs.10,000/- respectively.

8. Impugned order sought to be challenged shows that, learned trial Court has discharged husband and mother-in-law alongwith other accused for offence under Sections 376 and 377 of the IPC, whereas such accused (i.e. except husband and mother in-law), are also rightly discharged from offence under Sections 498-A, 323, 504, 506 read with 34 of the IPC as there are *prima facie* general allegations without specific details.

Resultantly, this court finds no infirmity or illegality on the part of learned trial Judge so as to interfere by way of revision. Hence, following order :

ORDER

Criminal Revision Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE