



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4222 OF 2022

- 1) Rajnish Shashikant Kamble,
Age-32 years, Occu:Agri/Business,
(Husband),
- 2) Shashikant Bhagwan Kamble,
Age-58 years, Occu:Agri.,
(Father-in-law),
- 3) Anusaya Shashikant Kamble,
Age-55 years, Occu:Household,
(Mother-in-law),
- 4) Shantanu Shashikant Kamble,
Age-56 years, Occu:Service,
(Brother-in-law),

Applicant Nos. 1 to 4 all
R/o-Mominagar, Solapur,
Solapur City, District-Solapur,

- 5) Nita Dhanaji Kamble,
Age-48 years, Occu:Agri.,
(Sister-in-law),
- 6) Dhanaji Narayan Kamble,
Age-45 years, Occu:ServiceAgri.,
(Husband of applicant No.5),

Applicant Nos. 5 and 6, both
R/o-Hisamnagar, Taluka-Devani,
District-Latur.

VERSUS

...APPLICANTS

- 1) The State of Maharashtra,
Through: Police Station Officer,
Police Station, Nilanga,
Tq-Nilanga, /District-Latur,
- 2) Satyashila Rajnish Kamble,
Age-24 years, Occu:Household,
R/o-Masalga, Taluka-Nilanga,
District-Latur.

...RESPONDENTS

...
Mr. Manoj A. Dond Advocate for Applicants.
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.
Mr. Avinash M. Reddy Advocate for Respondent No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 3rd MARCH, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the proceedings in R.C.C. No. 81 of 2017 pending before the learned Judicial Magistrate First Class, Nilanga, District-Latur, arising out of the First Information Report (for short "the FIR") vide Crime No. 18 of 2017 dated 23rd January 2017 lodged with Nilanga Police Station, District-Latur, for the offence punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code.

2. Heard learned Advocate Mr. Dond for the applicants, learned APP Mr. Kotecha for respondent No.1 and learned Advocate Mr. Reddy for respondent No.2.

3. Learned Advocate for the applicants has taken us through the FIR and the charge-sheet. He submits that perusal of the FIR would show that the allegations are omnibus. No role has been attributed, especially to applicant Nos. 6 and 7 who are admittedly residing at a different place. The statements of the witnesses, who are the near relatives of respondent No.2, are stereotype and copy paste. With such material, it would be abuse of process of law to ask the applicants to face the trial. He also points out that respondent No.2 has performed second marriage and has a child.

4. Per contra, the learned APP submits that there is evidence against the present applicants and the latest case status shows that non-bailable warrant has been issued against applicant Nos.1 to 3.

5. Learned Advocate appearing for respondent No.2 relies on the affidavit-in-reply of respondent No.2, which is nothing but

the reiteration of the contents of the FIR as well as in respect of further proceedings those were taken up by respondent No.2. Respondent No.2 had filed Misc. Criminal Application (D.V.) No.70 of 2016 before the learned Judicial Magistrate First Class, Ausa, District-Latur and it came to be decided on 1st November 2017. Applicant No.1 has been directed to give maintenance and so also amount towards rent, per month. Even applicant No.6 appears to have filed a private complaint against respondent No.2 and others contending that offence under Section 141, 143, 341, 323, 504, 506 read with Section 34 of the Indian Penal Code has been committed. That is filed with Judicial Magistrate First Class, Devani, District-Latur.

6. At the outset, as regards the alleged second marriage is concerned, no concrete evidence is before this Court and therefore, we are not taking note of it.

7. In an offence under Section 498-A of the Indian Penal Code, the FIR by the victim is important and perusal of the FIR would show that there are specific allegations against applicant Nos. 1 to 4, who are residing in the same house and as regards applicant Nos.5 and 6 are concerned, it is also stated that they

had together with applicant Nos. 1 to 4, demanded the amount of Rs.5,00,000/- for purchase of car. Here, we are taking note of the fact that in the proceedings under the Protection of Women From Domestic Violence Act, wherein all the present applicants were parties, and issue No.1 was, whether the applicant therein i.e. present respondent No.2 has proved that she has been subjected to domestic violence, the answer is in the affirmative. Though ultimately the husband has been directed to pay maintenance and other amount, yet as regards the domestic violence is concerned, *prima facie*, the said observation is against all the applicants. We are also taking note of the fact that non-bailable warrant has been issued against applicant Nos. 1 to 3. Therefore, we do not take this to be a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure.

8. The Application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR25