

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CR. WRIT PETITION NO. 4664 OF 2025

1. Shivraj Balaram Patil
2. Sindhutai Balaram Patil

...Petitioners

VERSUS

The State of Maharashtra And Anr.

...Respondents

Mr. Vivek Patil i/by Vivek Patil And Associates, Advocate for
Petitioners.

Mr. Pranav Borgave a/w Mr. Ajinkya Dubal, Mr. Punjabrao Kanase,
Mr. Sagar Waghmode, Mr. Ajit Kapale, Advocate for Respondent No.2.

Dr. A.A. Takalkar, APP for the Respondent No.1-State.

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 18th FEBRUARY, 2026

P.C.

1. By this Petition filed under Article 227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioners challenge the Judgment and order passed by the learned Additional Sessions Judge, Karad in Criminal Revision Application No.10 of 2023 thereby confirming the order passed by the learned Judicial Magistrate First Class, Karad, below Exhibit-13 in Regular Criminal Case No.157 of 2021.

2. The facts leading to this Petition can be stated in short as under :

The Petitioners filed discharge application in R.C.C. No.157 of 2021 seeking discharge for the offence punishable under Sections 498A, 494, 323, 504 and 506 read with section 34 of the Indian Penal Code (IPC) on various grounds including that the informant is residing separately from the Petitioner No.1-husband since August-2012. There is delay of 9 years in lodging the complaint, which is not explained satisfactorily. Since last nine years, the informant has no concern with the Petitioners. In spite of that the charge-sheet is filed against the Petitioners, in which according to them the offences as alleged in the same are not made out. Petitioner No.1 and one Komal are having live-in-relationship. Taking disadvantage of the said relationship, the informant filed false complaint against the accused.

3. The trial Court has rejected the discharge application holding that the Petitioner No.1 residing with Komal is not denied, even a child is born out of the said relationship. So also the marriage between the Petitioner No.1 and the informant is not denied. Therefore, there is *prima facie* material to frame charge of the offence under Sections 494 and 498A of IPC against the Petitioners.

4. The revisional Court has confirmed the said findings by observing that no patent defect or an error of jurisdiction of law or the perversity is pointed out by the Petitioners in the order passed by the trial Court. The revisional Court has also observed that there are

statements of witnesses, which *prima facie* indicates that marriage of accused No.1 and informant was the first marriage and after the marriage, both the accused/Petitioners were subjecting the informant to cruelty by beating and abusing her. The statements further indicate that accused No.1 has performed second marriage with one Komal, therefore *prima facie* there is sufficient evidence to frame charge against the accused. So far as delay of nine years is concerned, the revisional Court has held that truthfulness or falseness of the said contentions and delay can be considered during the trial.

5. Heard learned Advocate for the Petitioners, learned APP for the State and learned Advocate for the Respondent No.2. Perused the documents placed on record, grounds raised in the Petition and the impugned orders.

6. After perusing the record, this Court is of the view that so far as Petitioner No.2 – mother-in-law is concerned, admittedly, she was staying separately from the Petitioner No.1 and the informant after marriage. Therefore, *prima facie* her implication appears to be to settle personal goals and to pressurize the Petitioner No.1. There does not appear sufficient material against her to frame the charge. This aspect is not properly appreciated by both the Courts below and therefore, the Petition filed by her deserves to be allowed.

7. So far as the Petitioner No.1 is concerned, there is sufficient material to show his involvement in the alleged offence by relying on the Judgment of learned Single Judge of the Andhra Pradesh High Court in the case of ***B. Parvathi Versus State of A.P and Anr.***¹ Learned Advocate for the Petitioners strenuously submitted that there is no sufficient material on record to frame the charge under Sections 494 and 498A of IPC against the Petitioner No.1. This Court does not agree with the said submission. The said Judgment has a persuasive value and has no binding effect on this Court. The material on record *prima facie* indicate that there is sufficient material to frame the charge under Sections 494 and 498A of IPC against the Petitioner No.1 and therefore his Petition deserves to be dismissed.

8. In the result, the Petition of Petitioner No.1 is dismissed.

9. Petition is allowed to the extent of Petitioner No.2.

10. The impugned order passed by the learned Additional Sessions Judge, Karad in Criminal Revision Application No.10 of 2023 thereby confirming the order passed by the learned Judicial Magistrate First Class, Karad, below Exhibit-13 in Regular Criminal Case No.157 of 2021 passed by the Courts below are hereby quashed and side to the extent of Petitioner No.2.

1 2020 SCC OnLine, AP 5076.

11. The Petitioner No.2 is discharged from R.C.C. No.157 of 2021 pending on the file of learned Judicial Magistrate First Class, Karad.

(NITIN B. SURYAWANSHI, J.)