

ORDER BELOW EXH.1 IN R.C.S. No. 123/2018
[Radha Kshirsagar Vs. Gajanan Kshirsagar]
CNR NO.:- MHBI9001030-2018

- 1) Heard the learned Counsel for the complainant.

- 2) On perusal of the complaint, it appears that the complainant is alleging that, the accused No.1 is the husband of the complainant, and accused No. 2 is the second wife of accused no. 1 & other accused are the relatives of accused no. 1. The complainant is the first wife of the accused no. 1. However, the accused no. 1 has married with accused no. 2 without consent and dissolution of first marriage. The other accused have encouraged to second marriage of accused no. 1. Hence, this complaint instituted under section 494, 109, 323 r/w. 34 of I.P.C.

- 3) Looking to the facts of the present case, there is matrimonial dispute between complainant and accused. I am of the view that when the parties are having civil or matrimonial dispute, inquiry by Magistrate is necessary to rule out the issuance of process in an undeserving case. As per section 202 of the Cr.P.C. when the accused resided beyond jurisdiction of the Court then inquiry should have to be conducted through police officer. Here, Prima facie it appear that there is matrimonial dispute between the complainant and accused. The all accused person are resided beyond jurisdiction of this court. Therefore, in this case the inquiry through police machinery is necessary. Hence, I proceed to pass the following order:-

ORDER

- 1) Matter be sent for inquiry u/s. 202 of the Code of Criminal Procedure to the concerned police station.

- 2) The police officer shall submit report of inquiry within 60 days.
- 3) Order be sent to the concerned police officer.

Majalgaon.
Dt-15/01/2022

(S.P.Lankeshwar)
3rd J.M.F.C., Majalgaon.

I affirm that the contents of this PDF file are word to word as per original Judgment/order.

Name of Steno	:	P.S.Kulkarni
Court	:	^{3rd} J.M.F.C.Majalgaon.
Judgment/order signed by the P.O. :		15.1.2022
Judgment/order P.D.F. on		15.1.2022
Judgment/order uploaded on	:	15.1.2022

Sd/
(P.S.Kulkarni)