

**ORDER BELOW EXH.30**

1. This is discharge application on behalf of accused Nos.3 and 4. It is submitted that the accused Nos.3 and 4 have been falsely implicated in the present crime. There is no relation between husband of the informant and these applicants/accused. Hence, the material ingredient for making out offence under section 498A of IPC is missing since there is no relation between the husband of the informant and these applicants/accused.
2. The prosecution has given say on the dorsal part of application. The application is contested on the ground that there are specific allegations against these applicants/accused that they assaulted the informant and her parents. The prosecution further submitted that whether the accused are involved in the crime is the matter to be decided during trial. Finally, the prosecution prayed for rejection of application.
3. Perused the record, application as well as say. Heard Ld.APP Shri.Chandel and Ld.Advocate Shri.S.P.Dombale for the applicants/accused. It is settled position of law that for the purpose of deciding application for discharge, the police report and the documents placed therewith are considerable. It has to be seen whether there is prima facie case made out against the accused to make them to face trial. Hence, for this purpose I have perused the FIR. The perusal of FIR makes it manifest that there is specific assertion that the accused No.4 is the niece of the husband of informant. The accused No.3 is husband of accused No.4. Hence, it is prima facie clear that accused Nos.3 and 4 are closely related with the husband of informant. Hence, the necessary ingredient for making out offence punishable under Section 498A of IPC is present. Hence, argument of Ld.Advocate for the applicants/accused comes up to be incorrect on the face of record. Moreover, there is specific allegation against accused Nos.3 and 4 that

they assaulted the informant as well as her parents on 17.11.2015 at about 8.00 p.m. It is also alleged that accused Nos.2 to 4 abused informant and her parents. Hence, perusal of FIR itself make it manifest that there is material present on record against the accused Nos.3 and 4 which necessitate trial against them. For the reasons recorded herein above the application for discharge comes out to be meritless. Accordingly, it deserves to be rejected. Hence, I proceed to pass following order :-

ORDER

Application Exh.30 stands rejected.

Date : 13.06.2025
Place : Wadwani.

(Rafeeqe A. Shaikh)
Judicial Magistrate First Class,
Wadwani

MHBI170000842016

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R.C.C.No.15/2016

State of Maharashtra

Vs. Balu Sonpasare and Ors.



Certificate

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

Sd/-
(Amol D. Mule)
Stenographer (Grade-3)
Civil Court Junior Division
Wadwani