

MHGO040009642022



Cri. M.A. No. 189/2022

Bhimlabai Anantram Rahangdale

Vs

Devimala Parmanand Patle and Ors.

ORDER BELOW EXH. 01

This is a private complaint filed for the offence punishable under Section 294, 323, 447, 504, 506 r/w. Section 34 of the Indian Penal Code.

2. Read the complaint. Perused the record. Heard learned advocate for the complainant. Record shows that a verification of the complainant was recorded on 14/10/2022. Thereafter, the matter was referred for inquiry under Section 202 of the Code of Criminal Procedure vide order below Exh. 1 dated 14/10/2022. The concerned police officer has filed his report on 01/04/2023.

3. The complainant in her verification contended that the accused have insulted her with filthy language and also beat her. She further contended that the accused have also beat her husband with iron rod and accused have threatened her on the date of incident.

4. The police officer has filed his report (Exh.5) and gave report that the complainant has not mentioned all relevant facts and there is a difference in statement of the complainant and witnesses. From perusal of report of the police officer, it appears that some of the witnesses gave statement which are inconsistent with the version of the complainant. From perusal of the statement of eye witnesses, prima facie it appears that, they have not mentioned the assault to complainant or her husband at the hands of accused persons with iron

rod or wooden sticks. So also the witnesses specifically stated that the accused have not committed any house trespass.

5. From perusal of the record, it appears that no medical report is on record which supports the contents of complainant regarding assault by iron rod. However, the complainant specifically deposed in her verification that accused have beat her and also insulted her with filthy language. The complainant also deposed that accused have threatened her to endanger her life. Therefore, prima facie considering the verification of the complainant and the report filed by the police officer, it appears that there is sufficient material which attracts the offence punishable under Section 323, 504, 506 r/w. Section 34 of the Indian Penal Code. Hence, I pass the following order.

ORDER

1. Issue process against the accused no. 1 to 4 for the offence punishable under Section 323, 504, 506 r/w. Section 34 of the Indian Penal Code.
2. The complaint is dismissed against the accused for the offence punishable under Section 294, 447 of the Indian Penal Code.
3. Matter be re-register as per the natter of the offence.

Date - 11/03/2026.
Place - Amgaon.

(Sameer Gopal Gunari)
Judicial Magistrate First Class
Amgaon.