



Cri. M. A. No. 204/2019

(Sulabha Vs. Santosh and ors.)

CNR. No. MHPU-001542-2019

ORDER BELOW EXH.31
(Passed on 24/10/2024)

1] The present application is filed by respondents No.2 to 4 praying for discharging them from the present proceedings. It is contended in the application that respondent No.2 is mother-in-law, respondent No.3 is brother-in-law and respondent No.4 is wife of respondent No.3.

2] It is the contention of the respondents No.2 to 4 that, applicant has concealed material facts and truth from the Court. The allegations made by applicant are false and fabricated. There is no cause of action for filing of present application. The applicant had earlier filed one FIR against the respondents No.1 to 4. However, the JMFC court was pleased to acquit all the respondents No.2 to 4. The present application is filed only with an intention to harass the respondents. The respondents would face inconvenience and also mental, emotional physical and economical agony. The respondent No.2 is very old and ill lady. She is unnecessarily having mental trauma. The respondent No.3 is a businessman. Due to the false case against him is ruining his image and affecting upon his Business. The defendant No.4 is housewife and due to unnecessarily arrayed her name as party. Hence they prayed to delete/remove their names in said proceeding.

3] The petitioner contested this application by filing detailed reply at Exh. 41. She denied all the contentions made in the application by respondents No.2 to 4 and submitted that, respondents no. 2 to 4 are part of family. It is submitted that the respondent nos. 2 to 4 are interfering in the family affairs which is causing harassment to petitioner. The respondent nos. 2 to 4 have abused and assaulted the petitioner. She made several allegations against respondents No.2 to 4 in her reply from her marriage to till year 2018. Hence, she submitted that there is no question of discharging respondent Nos. 2 to 4 as there are specific allegations against them regarding domestic violence against petitioner. Hence she prayed for rejection of present application.

4] Heard the Ld. Advocate for both the sides. Perused record of the case.

5] I have perused the application and the documents filed by petitioner on record. I have carefully gone through the petition of the applicant and the allegations made against the respondents. The petition shows that, the applicant has made number of allegations relating to domestic violence against respondent Nos. 1 to 4. The petition further shows that, the application has made specific allegations of domestic violence at the hands of respondents No.1 to 4.

6] I have also gone through the copy of FIR filed by petitioner against respondent Nos. 1 to 4 on 23/11/2018 for offences punishable u/s. 498-A, 406, 323, 504, 506. The bare perusal of the said FIR shows that respondents No.1 to 4 are named as accused persons. The said FIR

on perusal also discloses that, there are specific allegations of cruelty and harassment meted out to applicant by respondent No.1 to 4.

7] The petitioner has submitted that respondent No. 2 to 4 were involved in the domestic violence since year 2011 to 2018. The petition shows that, the applicant has made number of allegations relating to domestic violence against respondent Nos. 1 to 4. Further, FIR also shows that, there are specific allegations of cruelty and harassment meted out to applicant by respondent No.1 to 4. Hence, it is not proper to delete/drop the proceeding against the respondents No.2 to 4. The application is devoid of merit and therefore is liable to be rejected. Accordingly I proceed to pass following Order :-

ORDER

Application below Exh.31 stands rejected.

Rajgurunagar-Khed.
Date- 24/10/2024

Sd/-x
(S. B. Pawar)
Judicial Magistrate First Class
Rajgurunagar-Khed.