



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL APPLICATION NO. 2336 OF 2025

Suraj Kishan Ishikar and others
VERSUS
The State of Maharashtra and another

...
Advocate for Applicant : Mr. S.B. Bhapkar
APP for Respondent No.1: Mr. N.R. Dayama
.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 12th AUGUST, 2025**

PER COURT :-

1. Heard learned advocate for the applicants. He has taken us through the F.I.R. and submits that respondent No.2 had lived only for 15 days and thereafter, she left the matrimonial home. She has involved all persons in a concocted story. The applicants are from labour category and cannot demand the alleged amount. She has her own reason to leave the matrimonial home and the F.I.R. has been lodged after about two years.

2. From the contents of F.I.R. as it appears for us, *prima facie*, the case is made out against applicant Nos. 1 to 3, who were residing together. The others are not residing with applicant Nos. 1 to 3 or had visited the matrimonial home occasionally. The occasional visits cannot be considered as cruelty, as contemplated under

Section 85 of the Bhartiya Nyay Sanhita 2023 and therefore , the application stands rejected at the threshold as against applicant Nos. 1 to 3. The matter to proceed for the relief claimed by applicant Nos. 4 to 9.

3. Issue notice to the respondents. Learned A.P.P. waives notice for respondent No.1.

4. Notice of respondent No.2 is made returnable on 24.09.2025.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

rlj/