

Order Below Exh. 1 in
Cri. B. Appln. No. 51/2022

CNR No.MHNS010001412022

Gokul Ramesh Shejwal & ors. **Vs.** State

Heard: Ld.Adv. Mr. V. M. Ghugare for the applicants.

1. This is an application under section 438 of the Code of Criminal Procedure since the applicants apprehend arrest in an offence (under section 498A of the Indian Penal Code, 1860) which may get registered against them at Nashik Road Police Station, Dist-Nashik by the complainant Shital Gokul Shejwal.

2. Learned Advocate for the applicants has submitted that the applicants are the husband and in-laws of Shital Gokul Shejwal. Applicant No. 1 is the husband and applicants No. 2 to 5 are her in-laws. It is submitted that the said Shital is the legally wedded wife applicant No. 1. After she went to her maternal house for delivery, she refused to return. Applicant No. 1 was therefore constrained to send a notice for restitution of conjugal rights to her. However, she chose to file a complaint against him at the Women's Cell. Although no offence has been registered against the applicants, they apprehend arrest in case the complainant files an FIR against them. Applicants are ready to abide by the terms and conditions imposed by the Court and also co-operate with the investigating agency. Custodial interrogation of the applicants is not necessary.

3. *Prima-facie*, the complainant is the legally wedded wife of applicant No. 1. The FIR is not yet registered. It appears to be a domestic dispute. In view thereof, I am inclined to partly allow the application in terms of the following order.

: ORDER :

- 1] Application is partly allowed.
- 2] Nashik Road Police Station, Dist-Nashik is directed to give 72 hours prior notice to arrest the applicants (Gokul Ramesh Shejwal, Lilabai Ramesh Shejwal, Sangita Gotiram Rahade, Anita Dattu Thube and Shaila Dattatrya Thube), in case an offence against them is registered by the complainant Shital Gokul Shejwal under section 498-A of IPC.
- 3] Application is disposed of accordingly.

Nashik
13/01/2022

Mridula Bhatia
District Judge-2 and Additional
Sessions Judge, Nashik.