

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO. 43 OF 2015
WITH CRIMINAL APPLICATION NO. 124 OF 2015**

ASEF KHAN S/O MAHTAB KHAN PATHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Patel Sameer F.
APP for Respondent/State : Mr. S.G. Karlekar

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: January 16, 2015

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PER COURT :-

Heard.

2. The learned counsel appearing for the petitioners submits that, the allegations in the First Information Report are taken in its entirety does not constitute offence against the petitioners. It is further submitted that, since the petitioners have filed the complaint against the complainant, to give counter blast to the complaint filed by the petitioners, the false complaint is filed. Therefore, he prays that, the further investigation may be stayed.

3. We have heard the learned counsel appearing

for the petitioners. We have perused the allegations in both First Information Reports. Offence is disclosed and same needs investigation. The fact that there are counter cases is indication that the incident had taken place.

4. In that view of the matter, further investigation is necessary. Hence at this stage, no case is made out. Petition stands rejected.

5. Consequently Criminal Application No. 124 of 2015 also stands rejected.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

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SGA/-