

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 1115 OF 2015
WITH APPLN/6060/2014 WITH APPLN/6062/2014

KHALIL S/O PAPAMIYA SHAIKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Deshmukh N. E.
APP for Respondent No.1: Mr. U. H. Bhogle.
Advocate for Respondent No.2: Mr. P. R. Dhumal.

CORAM: T. V. NALAWADE, J.
DATED: 22nd JUNE, 2015.

PER COURT:

1. The first proceeding is filed for relief of quashing of the proceeding of S.C.C. No.4733 of 2013 which is presently pending before learned Judicial Magistrate, First Class, Jalgaon, which is private complaint filed for the offence punishable under sections 323, 504, 506 read with 34 of Indian Penal Code. Applicants are the

accused in that case. Second proceeding is filed for quashing of the proceeding of S.C.C. No. 187 of 2014 which is also filed as private complaint for similar offence and which is pending in the same Court against the same applicants. The third proceeding is filed for relief of quashing of the proceeding of S.C.C. No.726 of 2014 which is a private complaint filed for similar offences and which is pending in the same Court against the present applicants. Both the sides are heard.

2. The learned counsel for the Applicants took this Court through a copy of F.I.R. given against the Respondent, complainant. The F.I.R. was given by one Abdul Rahim Abdul Gafur. On the basis of report given by him a crime was registered for offences punishable under sections 420, 467, 471 etc. of Indian Penal Code against the present complainant Shaikh Mansoor Shaikh Faiyaz. It was submitted that in the said crime charge sheet is filed for the offences against Shaikh Mansoor. Allegations are made that he created false record of allotment of 8 plots of Dr. Zaker Husain Cooperative Society. There is allegation that he forged the signatures of office bearers of society and he used false seals and

stamp to create the record of allotment of the plots.

3. The learned counsel for the Applicants submitted that after registration of this crime and after filing of the case against this complainant Mansoor, he started filing complaints against the members of the society like the applicants and also against others. He has produced a copy of a list of cases filed by this complainant Mansoor in the Court of Chief Judicial Magistrate, Jalgaon and it shows that as many as 83 cases are filed by him since the year 2011. Some record is produced to show that the accused from thoses cases had come to this Court for quashing of the proceedings. This Court quashed the proceedings of as many as 5 cases by order dated 5th March, 2013 (in Criminal Application No.1241 of 2011, 1240 of 2011, 1242 of 2011, 1243 of 2011 and 1245 of 2011). Copy of order made in Criminal Application No.5385 of 2013, 5386 of 2013, 5387 of 2013, 5388 of 2013 and 5389 of 2013 dated 9th October, 2014 is also filed and it shows that 5 more proceedings came to be quashed. Today a copy of order made in Criminal Application No.4966 of 2012 came to be filed and it shows that by order dated 4th March, 2015 one more

proceeding filed at the instance of present complainant Shaikh Mansoor came to be quashed. The last proceeding which was quashed was filed by Public Servant and against him also similar allegations were made.

4. In aforesaid proceeding while quashing the proceedings this Court has made observation that the applicant is making vague allegations and there will not be any support to these allegations. In the first matter S.C.C. No.4733 of 2013 allegations are made by the complainant against the applicants that on 20th December, 2013 at about 11.00 a.m. the accused approached him near Ajantha Chauphuli in Jalgaon city and they manhandled him and gave abuse to him. Allegations are made that the threats of life were also given. The names of some witnesses are given. On the basis of verification of the complainant process came to be issued. In one subsequent matter investigation was ordered under section 202 of Cr.P.C. but in that matter also similar allegations are made against the applicants by quoting one more incident. Time gap of few months was kept in all these incidents.

5. The allegations made in the three complaints show that they are very vague and the complainant will be giving his own evidence and he will be examining at the most 1 or 2 witnesses to prove that he was manhandled. Though he had approached the police and he had given reports, N.Cs. were registered. He has given his occupation as a labour but the record shows that he has filed more than 80 private complaints against different persons. Record is produced to show that applicant No.3 has approached Advocate General for seeking permission to prosecute complainant for malicious prosecutions as he is filing similar complaints against so many persons including public servants. Applicant had approached this Court in Writ Petition No.238 of 2015 and in the said proceeding a direction is given by this Court to Advocate General to expedite the things.

6. In view of the aforesaid record, this Court has no hesitation to hold that it will be abuse of process of law if the proceeding against the present applicants are allowed to be continued. It will be unnecessary harassment to them and considering the modus operandi of the complainant, his purpose behind these

proceedings=[], this Court holds that the proceedings need to be quashed. In view of this, all the aforesaid proceedings are quashed and set aside.

[T. V. NALAWADE, J.]

Dt.22/06/2015
ans/1115