

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

CRIMINAL APPLICATION NO. 1324 OF 2015

Shaikh Nayeemuddin Aminuddin
and others

.. Applicants

Versus

The State of Maharashtra and another .. Respondents

Shri Mohit R. Deshmukh, Advocate for Applicants.

Shri D. R. Kale, A.P.P. for the Respondent No. 1.

Shri Anandsing S. Bayas, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 03RD DECEMBER, 2015.

PER COURT :

. Mr. Deshmukh, the learned counsel on instructions seeks leave to withdraw present application to the extent of applicant Nos. 1 and 5. The present criminal application to the extent of applicant Nos. 1 and 5 is disposed of as withdrawn.

2. We are considering the present application only to the extent of applicant Nos. 2, 3 and 4.

3. Mr. Deshmukh, the learned counsel submits that, only vague averments are made as far as applicant Nos. 2, 3 and 4 are

concerned. There are no specific allegations. Even no dates are mentioned in respect of alleged acts complained against them. According to the learned counsel on such vague allegations the complaint cannot proceed. The learned counsel relies on the judgment of the Apex Court in the case of **Geeta Mehotra and another Vs. State of U. P. and another** reported in ***AIR 2013 SC 181***.

4. Mr. Bayas, the learned counsel submits that, powers U/Sec. 482 of the Code of Criminal Procedure are to be exercised sparingly and in exceptional circumstances. There are allegations made against all the applicants in the complaint. They are residing in the same premises. These applicants were always instigating the husband of the complainant pursuant thereto the complaint is filed. All these persons are responsible for making the life of the complainant miserable. The learned counsel submits that, at the time of trial all the facts would come to the light. The complaint has made out offences against these applicants also.

5. We have considered the complaint filed and the submissions made by learned counsel for respective parties. The Apex Court in the case of **Geeta Mehotra and another Vs. State of U. P. and another** referred to supra has observed that, the Court can invoke its powers U/Sec. 482 of the Cr. P. C.

in case the allegations in the complaint U/Sec. 498-A of the Indian Penal Code (for short "I. P. Code") are based on vague averments. The applicant Nos. 3 and 4 are the married sisters of the husband of the complainant, as stated their marriage is solemnized much prior to the marriage of the complainant with the accused No. 1 and they are also residing at different places. Their residence is separate. The applicant No. 2 is the wife of brother of the husband of the complainant. Against her also the averments are too vague. Even no dates are given in respect of overt acts of applicant Nos. 2 to 4. We are not going into other aspects of the matter as complaint filed will have to be considered as it is.

6. Reading the complaint in its totality, we do not find any specific acts been attributed to applicant Nos. 2 to 4 by giving any specific dates. Only vague averments are made, which are not sufficient to attract offence punishable U/Sec. 498-A of the I. P. Code as against applicant Nos. 2 to 4 herein.

7. In the light of the above, the complaint dated 18.11.2014 bearing Cr. No. I-215/2014 registered with Police Station Jinsi, Aurangabad for the offences punishable U/Sec. 498-A, 323, 504, 506 r/w Sec. 34 of the I. P. Code is quashed as against applicant No. 2/Qamrunnisa W/o Shaikh Nayeemuddin, applicant No. 3/Shahar Bano W/o Imran Shaikh and applicant No. 4/Zarina

Bano W/o Shahed Syed. The application is allowed to the extent of applicant Nos. 2, 3 and 4 only.

8. Needless to state interim orders passed earlier stand vacated. The criminal application is disposed of.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/Dec. 15