

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 113 OF 2016

1. Hakhinabegum Iftekhar Ahmed
Farooqui, Age 65 years,
Occ. Household, R/o Kagdives,
Beed.

2. Nasrin Begum Sayed Shaukat,
Age 40 years, occ. Household
R/o Khasbag, Beed.

3. Shahin Begum Kazi Irfan
Age 30 yeas, Occ. Household,
R/o Osmanabad.

4. Akbar Iftekhar Ahmed Farooqui
Age 27 years, Occ. Business,
R/o Kagdives, Beed.

5. Sameer iftekhar Ahmed Farooqui
Age 24 years, Occ. Labour,
R/o Kagdives, Beed.

6. Jameer Iftekhar Ahmed Farooqui,
Age 22 years, Occ. Labour,
R/o Kagdives, Beed.

..Petitioners

Versus

1. Faimoda Azhar Ahmed Farooqui,
Age 35 years, Occupation Labour,
C/o Lalmiya Gulam Murtuza Deshmukh,
R/o Limbarui, Tq. and Dist. Beed.

2. The State of Maharashtra.

..Respondents

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Advocate for Petitioners : Smt. Chate Sharada P.
Advocate for Respondent 1 : Shri Syed G R
APP for Respondent 2 : Shri Bhagat N.T.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 20, 2016

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ORAL JUDGMENT :-

1. Heard learned Advocates for the respective parties.
2. Rule.
3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.
4. The petitioners are aggrieved by the order of issuance of process passed by the learned Magistrate dated 12.2.2015 against accused Nos. 1 to 7 and 10. The complaint is dismissed as against accused Nos.8 and 9 in the light of Section 202 of the Criminal Procedure Code ("CrPC").
5. The petitioner is also aggrieved by the judgment dated 10.11.2015 delivered by the learned Additional Sessions Judge, Beed by which revision of the petitioners has been rejected.
6. I have considered the strenuous submissions of the learned Advocate for the petitioners, learned APP and the learned Advocate for respondent No.1. With their assistance, I have gone through the record available.
7. The complainant in her complaint has specifically narrated, specific incidents of ill-treatment, assault, beating as well as the act of driving her out of her marital home along with her four children. Specific allegations

have been levelled against the petitioners in the complaint. The learned Magistrate had directed the recording of evidence under Section 202 of the CrPC and based on the said evidence, process has been issued under Section 498-A of the Indian Penal Code (“IPC”) against accused Nos.1 to 7 and 10.

8. The grievance of the petitioners is that there is a discrepancy in the statement made in the complaint and the evidence of the complainant with regard to the demand of Rs.2,00,000/- for construction of the home. It is pointed out that the allegation of Rs.1,00,000/- having been demanded has been improvised in the statement recorded before the learned Magistrate and enhanced to two lakhs. It is also submitted that petitioner No.1 is 70 years old and could not have beaten the complainant. It is on the basis of these contentions that all the accused had prayed for the quashing of the order of issuance of process before the revisional Court.

9. Upon considering the contents of the complaint, the statement of the complainant and her father recorded on oath before the learned Magistrate, it would indicate that specific allegations set out in the complaint have been supported and it was in this backdrop that the process was issued against the petitioners.

10. In my view, when the available material makes out a case against the accused, this Court is not to cause an interference in the order unless it appears to be perverse, erroneous and likely to cause grave injustice to the parties. I find that the material on record, at this stage, is sufficient to

initiate the prosecution of the petitioners.

11. Considering the above, I do not find that the impugned orders could be termed as perverse or erroneous. This petition, being devoid of merits, is therefore, dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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