

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4042 OF 2016

- 1) Smt. Surekha w/o Deepak Bhure,
Age-35 years, Occu:Service,
R/o-Loha, Tq-Loha, Dist-Nanded,
- 2) Deepak s/o Shivaji Bhure,
Age-39 years, Occu:Service,
R/o-Loha, Tq-Loha, Dist-Nanded,
- 3) Meena Shidheshwar Todkari,
Age-32 years, Occu:Service,
R/o-As Above.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through (Police Inspector),
Police Station Loha, Dist-Nanded,
- 2) Mhadevi w/o Nagnath @ Nagesh Narangale,
Age-Major, Occu:Service,
R/o-Loha, Tq-Loha, Dist-Nanded.

...RESPONDENTS

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Mr.Kailas B. Jadhav Advocate for Applicants.
Mr.P.S. Patil, Additional Public Prosecutor
for Respondent No.1.
Mr.V.D. Sapkal Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.**

DATE : 17TH NOVEMBER, 2016

ORDER :

. Heard learned counsel for the Applicants. He submits that there are no specific allegations against the Applicants. The Applicants are residing separately. He further submits that since Applicant Nos.1 and 3 are married sisters of the husband against whom allegations are there, as they are residing separately, this Application may be allowed.

2. On the other hand, learned counsel appearing for the informant/ Respondent No.2 invited our attention to the specific incident stated in the F.I.R. on 6th July 2016 and submits that the Applicants along with the husband, father-in-law and mother-in-law, assaulted the informant, her brother and maternal uncle. He further submits that the Applicants are residing in the matrimonial house of the informant as it is evident from their addresses.

3. We have heard learned counsel for the Applicants, learned A.P.P. appearing for State and learned counsel appearing for Respondent No.2. Perused the allegations in the F.I.R. The date of incident is mentioned. Time of incident is also mentioned. Even allegations are made against the Applicants. Therefore, without elaborating on merits, since the investigation is pending, at this stage, prayer of the Applicants to quash the F.I.R. cannot be accepted.

4. For the reasons afore stated, the Application is rejected. However, it is made clear that rejection of this Application cannot be construed as an impediment in case the Applicants wish to avail the appropriate remedy in case of filing of charge-sheet by the Investigation Officer.

[K.K. SONAWANE, J.]

[S.S. SHINDE, J.]