

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

CRIMINAL APPLICATION NO. 4193 OF 2016

Smt. Meenu Onkarnath Singh
and others

...APPLICANTS

versus

The State of Maharashtra and another

...RESPONDENTS

.....

Application stands dismissed as against applicant No. 1 as per Court's order dated 16-09-2016

Mr. R.A. Jaiswal, Advocate holding for
Mr. Nilesh S. Ghanekar, Advocate for applicants
Mr. A.A. Jagatkar, APP for respondent No. 1- State
Mr. S.S. Randive, Advocate holding for
Mr. G.M. More, Advocate for Respondent No. 2

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

DATED : 29th NOVEMBER, 2016.

Order :-

1. Heard learned counsel appearing for parties.
2. Learned counsel appearing for applicants submits that so far as alleged incident dated 08-11-2015 is concerned, which according to the contents of First Information Report (for short "FIR"), had taken place at Waranasi and in that respect the informant has filed separate complaint and it was registered as NC. No. 136 of 2015 in Police Station, Singra, Waranasi. The learned counsel for applicant further submits that when already NC is registered there is no question of further investigation of incident dated 08-11-2015. The learned counsel further submits that applicants No. 2 and 3 never visited the

matrimonial house and they never came at Aurangabad. Even if the allegations in FIR are read in its entirety no offences alleged against applicants are disclosed, therefore, learned counsel submits that application for quashing FIR may be allowed.

3. On the other hand, learned APP relying on investigation papers and in particular, deposition of the witnesses submits that applicants are named in the FIR and also overt acts are attributed to them. An ingredients of alleged offences have been attracted, therefore, this court may not entertain the prayer of the applicants for quashing the FIR.

4. The learned counsel appearing for respondent No. 2 submits that apart from specific incident quoted in the FIR, there are allegations against husband of the informant and relative of the husband including the applicants, of ill treatment and demand of Rs. 20,00,000/- from the informant and, her parents. Cruelty in any form is continuous cause of action and therefore, the incident dated 08-11-2015 can be read in isolation and it has to be read along with other allegations in the FIR. Therefore, he prays for rejection of application for quashing.

5. We carefully gone through contents of FIR and statements of witnesses, we are of the opinion that allegations in the FIR will have to be taken as they are appearing, and once the alleged offences are *prima facie* disclosed, prayer for quashing of FIR cannot be entertained. Upon careful perusal of allegations in the FIR and in particular incident dated 08-11-2015, coupled with other allegations in the FIR and

statements of witnesses, we are of the opinion that prayers for quashing of FIR deserves no consideration, hence, application for quashing the FIR stands rejected. The observations made herein before are *prima facie* in nature and confined to the adjudication of the present application.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S.S. SHINDE, J.]

MTK