

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

915 CRIMINAL APPLICATION NO. 5749 OF 2016

LALITA W/O SUNNIL RATHOD  
VERSUS  
THE STATE OF MAHARASHTRA & ORS

...  
Advocate for Applicant : Mr. B Magar & Mr. J V Deshpande  
APP for Respondents: Mr. D. R. Kale

. . .

CORAM : S.S. SHINDE &  
K.K. SONAWANE, JJ.

DATE : 7TH DECEMBER, 2016.

**PER COURT:**

Learned counsel appearing for the applicant submits that in MARJI Application No. 942 of 2015, he made a statement that applicant No.4 Shankar Dagdudas Rathod and applicant No.5 Lalita Sunil Rathod i.e. present applicant, are not necessary parties in the said MARJI application.

2] On the basis of the said statement, learned counsel for the applicant submits that since one of the applicants in the said proceedings has verified that there is no role of the applicant in the alleged offence and the applicant has nothing to do with the said dispute, in that case, lodging the FIR involving the applicant is absolutely unwarranted and, therefore, this application deserves to be allowed. He further submits that the learned Judge while issuing directions to register the FIR had not afforded the opportunity of hearing to the applicant and straightway passed the order.

3] We have heard the learned counsel for the applicant, with the assistance of learned counsel we have gone through the application, annexures thereto and also contents of the copy of the application for tendering unconditional apology filed by one of the applicants in MARJI

application No. 942 of 2015. The contention of the counsel for the applicant to accept the statement made in para.3 of the said application filed by the applicant herein, including that the applicant has no role in the commission of alleged offence, cannot be accepted. In the said proceedings, said Pooja, was not the only applicant, but there were other applicants.

4] so far as the contention that concerned court without affording opportunity of hearing passed the order and directed to register the FIR is concerned, in that respect, if the contention of the applicant is sustainable in law and if appropriate remedy is available, it is always open for her to avail the said remedy. Upon careful perusal of the allegations in the FIR, we are of the prima facie opinion that the allegations need investigation.

5] For the aforesaid reasons, we are not inclined to entertain this application. Hence, the application stands rejected. It is made clear that observations made herein before are prima facie in nature and confined to adjudication of the present application only.

**[K.K.SONAWANE]**  
**JUDGE**

grt/-

**[S.S. SHINDE]**  
**JUDGE**