

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.6008 OF 2015

- 1 Mirza Intekhab Akbar Baig
s/o Mirza Latif Rashid Baig,
age: 35 years, Occ: service,
R/o Green House, Vazirabad,
Nanded.
- 2 Mirza Latif Rasheed Baig s/o
Mirza Mehaboob Baig,
age: 62 years, Occ: Pensioner,
R/o as above.
- 3 Mirza Nafeesjahan w/o Mirza
Latif Rasheed Baig,
age: 58 years, Occ: Household,
R/o as above.
- 4 Mirza Laeeq Babar Baig,
s/o Mirza Rasheed Latif Baig,
age: 39 years, Occ: service,
R/o as above.
- 5 Musharraf Jabin @ Heena w/o
Rafi Ahmed Siddique,
age: 32 years, Occ: Household,
R/o Vishnupuri, Nanded.
- 6 Mirza Mujaheed Asgar Baig,
Mirza Latif Rasheed Baig,
age: 30 years, Occ:
R/o Vazirabad, Nanded.
- 7 Mirza Nazeer Baig s/o Mehboob
Baig, age: 53 years, Occ:
Pensioner, R/o Vazirabad, Nanded

Applicants

Versus

- 1 State of Maharashtra,
through Vazirabad Police Station,
Nanded.

2 Sumayya Nimraj Riyaz Ahmed Khan,
age: 27 years, Occ: Household,
R/o Near Noble High School,
Near Water Tank, Near Labour Colony,
Nanded, Tq. & District Nanded.

Respondents

Mr.S.S.Bora, advocate for applicants.
Mr.S.J.Salgare, APP for Respondent No.1.
Mrs.A.S.Rasal, advocate for Respondent No.2.

**CORAM : R.M.BORDE &
K.L.WADANE, JJ.
DATE : 04th April, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The applicants pray for quashing the First Information Report lodged against them at Vazirabad Police Station, Nanded, for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, being Crime No.213/2015.

3 It is the contention of applicants that very vague allegations have been made in the First Information Report against all the applicants who are related with each other and who are members of family. It is contended that there is no justification for impleadment of all members of the family in the crime. It is further contended that the incident occurred prior to June 2013 is made basis for lodging First Information Report.

4 We have perused the First Information Report as well as report made by the complainant on 02.06.2013 in respect of the incident which occurred prior to 02.06.2016 wherein she has implicated only her husband and father-in-law. None of the other relatives were attributed with any allegations in the said report. In this view of the matter and considering the statement made by learned Counsel appearing for the complainant, on instructions, the complaint shall not be proceeded against applicants no.3 to 7. Learned Counsel appearing for the complainant, on instructions, states that the complainant would insist and press allegations only against applicants no.1 and 2. In this view of the matter, complaint lodged against applicants no. 3 to 7 stands quashed. It would be open for the concerned police authorities to investigate into crime in respect of the allegations made against applicants no.1 and 2.

5 Rule is made absolute to the extent specified above.

K.L.WADANE
JUDGE

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R.M.BORDE
JUDGE