

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1309 OF 2017

- 1) Mohini w/o Someshwar Aher,
- 2) Someshwar s/o Sahebrao Aher,
- 3) Mahesh s/o Dilip Durafe,
- 4) Vaibhavi w/o Mahesh Durafe

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Dipali w/o Mayur Durafe

...RESPONDENTS

...

Mr.N.B. Narwade Advocate for Applicants.
Mr.K.D. Munde, A.P.P. for Respondent No.1.
Mr.M.R. Jadhav Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE : 14TH JULY, 2017

ORDER :

1. Heard learned counsel appearing for the Applicants, learned A.P.P. appearing for the State

and learned counsel appearing for Respondent No.2.

2. Learned counsel appearing for the Applicants submits that Applicant No.1 is married sister of Mayur i.e. husband of Respondent No.2, and even she got married prior to the date of marriage of Respondent No.2 with Mayur. He further submits that even if the allegations in the F.I.R. are taken at its face value and read in its entirety, no offence is disclosed against the Applicants. He submits that there are general allegations without attributing any specific act qua Applicant Nos.1 and 2. He further submits that Applicant Nos.3 and 4 are not at all concerned with the allegations in the F.I.R. He further submits that against them also there are general allegations. Therefore, he submits that F.I.R. deserves to be quashed.

3. Learned A.P.P. appearing for the State, relying upon the investigation papers, submits that as a matter of fact though Mayur was not in

employment, the Applicants made to believe the parents of Respondent No.2-Dipali that Mayur is in employment of Maharashtra State Electricity Board. However, on enquiry it was found that he is not in employment. He submits that investigation is in progress and the investigating officer is collecting the information whether Mayur is having genuine degree certificate or not. Therefore, he submits that upon reading allegations in the F.I.R., alleged offences are disclosed, which needs further investigation.

4. Learned counsel appearing for Respondent No.2 invites our attention to the allegations in the F.I.R. and points out the involvement of each of the Applicant. He submits that when investigation is in progress, it may not be desirable to segregate the role of each of the Applicant and allow this Application for quashing the F.I.R.

5. Upon hearing the counsel appearing for

the respective parties and upon carefully reading all the allegations in the F.I.R., all the Applicants have been named. Some of the allegations are against all the Applicants and in particular that, they made to believe the parents of Respondent No.2-Dipali that Mayur is in employment of Maharashtra State Electricity Board. Upon reading the allegations in the F.I.R., prima facie alleged offences have been disclosed, which needs further investigation. At this stage, no case is made out for quashing the F.I.R.

6. For the reasons afore-stated, the Application stands rejected.

[S.M. GAVHANE, J.]

asb/JUL17

[S.S. SHINDE, J.]