

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

CRIMINAL APPLICATION NO. 1385 OF 2017

Sayyad Aamir Sayyad Shamshoddin & Ors. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

Mr.Sandeep Munde h/f. Mr.A.R. Vyawahare, Advocate for the applicants.

Ms.S.S. Raut, A.P.P. for respondent/State.

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

DATED : 13.07.2017

P.C. :-

1. Heard learned Counsel appearing for the applicants and learned A.P.P. appearing for the State. Learned Counsel for the applicants submits that even if the allegations in the F.I.R. are taken as it is and read in its entirety, no offence is made out. The applicant No.1-Sayyad Aamir s/o. Sayyad Shamshoddin is father-in-law and applicant No.2-Sayyad Najirabi w/o. Sayyad Amir is mother-in-law of the respondent No.2, who are residing separately at different place.

2. The applicant No.3 is married sister of the husband of the informant. The allegations made in the F.I.R. are inherently improbable against them. The incident as stated in the F.I.R. has not taken place. The sum and substance of the arguments of learned Counsel appearing for the applicants is that the applicants are falsely implicated in the alleged offences.

3. Learned A.P.P. appearing for the State, relying upon the allegations in the F.I.R., submits that the ingredients of the alleged offence have been disclosed and therefore needs investigation.

4. Heard learned Counsel for the applicants and learned A.P.P. for the State. Upon perusal of the allegations in the F.I.R. in its entirety, the applicants are named and there are specific allegations with date of incident. It appears that even informant was admitted in the hospital and there is medical documents to that

effect. In that view of the matter, at this stage, we are not inclined to entertain this application for quashing. Hence, the application stands rejected.

5. However, we make it clear that rejection of this application would not preclude the applicants from availing of an appropriate remedy as available in law, in the event of filing of charge-sheet by the investigating officer.

[S.M.GAVHANE, J.]

[S.S.SHINDE, J.]