

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

CRIMINAL APPLICATION NO. 2794 OF 2014

1) Sharad s/o Shrikrishna Dhepe,
Age 28 years, Occ. Business,
R/o.Kaudgaon, Tq. Paithan,
Dist. Aurangabad.

2) Imran Qureshi s/o Gaffar Qureshi,
Age 22 years, Occ. Student,
R/o. Bidkin, Tq. Paithan, Dist.
Aurangabad.

... **Applicants**
(Orig. accused)

VERSUS

The State of Maharashtra.
Through Police Station Officer,
Police Station Bidkin, Tq.
Paithan, Dist. Aurangabad.

... **Respondent.**

...

Advocate for Applicants : Mr. A.R. Kawade and D.D. Jadhav.
APP for respondent : Mr. S. J. Salgare.

**CORAM: T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 9th AUGUST, 2018.

JUDGMENT (PER K.L. WADANE, J)

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final hearing.

2. This application is filed by the applicants/original accused under the provisions of section 482 of the Code of Criminal Procedure for relief of quashing the first information report No. I-204/2013 registered with Bidkin, police station, Tq. Paithan, for the offences punishable under section 420, 465, 468, 469, 471, 474 read with section 34 of the Indian Penal Code.

3. Complainant Mr. Agale, police constable of ATC Cell, Aurangabad, lodged a complaint on 27.12.2013 stating that he was on duty to verify the correctness of the persons and the documents who obtained SIM Cards for mobiles. When he was verifying the documents at that time he was suspecting about sale of SIM card No. 7758880781 and its user. Therefore he obtained copies of the relevant record along with photos, on which he came to know that the SIM card was sold to one Asif Khaja Qureshi. On enquiry Asif informed the complainant that he did not give the above documents. Hence on the basis of the complaint lodged by the complainant offence came to be registered against the applicants.

4. Asif Khaja Qureshi in whose name the SIM card was issued has filed his affidavit in present proceeding and stated that he has purchased the mobile SIM card of Airtel company bears No. 7758880781 on 08.07.2013 from Bidkin. At the time of purchasing the aforesaid SIM card his cousin brother namely Imran (i.e. applicant No. 2) was along with him. Imran is son of his father's sister who

resides with him at Bidkin and he took the aforesaid SIM card for his use.

5. The applicant No. 2 had given the aforesaid SIM card to Noor Salam Ansari. Imran (applicant No. 2) and Noor are friends and they are frequently in the company of each other. He further stated that there is no fabrication of documents at the time of obtaining the aforesaid SIM card.

6. So looking to the affidavit of Asif it appears that in fact the SIM card was purchased in his name by supplying necessary documents of Asif, however, subsequently it was given to the applicant No. 2 for its use, who again it handed over it to his friend Noor and because of which confusion was created about the alleged offence. By way of filing the affidavit by Asif, the position is clarified and no offence is said to be committed by the present applicants.

7. In view of the above, the application is allowed. Relief is granted in terms of prayer clause 'C'. Rule is made absolute in those terms.

8. Criminal Application is disposed of.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

mkd/-