

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1403 OF 2018

1. Gani S/o. Yakub Shaikh,
Age : 62 years, Occ. Retired,
2. Salima W/o. Gani Shaikh,
Age : 56 years, Coou. : Housewife,
3. Javed S/o. Gani Shaikh,
Age: 32 yeas, Occu. Police Constable,

All R/o. Railway Police Lane,
Room No. G- 19/5, Sanjay Gandhi Road,
Behind Sasoon Hospital, Pune Station,
Pune.

... **APPLICANTS**
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through Investigating Officer,
Bhingar Camp Police Station, Ahmednagar,
Dist. Ahmednagar.
2. Parveen W/o. Shakil Shaikh,
Age : 26 years, Occu. Household,
R/o. Nimgaonwagha, Tq. Nagar,
Dist. Ahmednagar.

... **RESPONDENTS**
(Ori. Complainant)

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Mr. N. B. Narwade, Advocate for Applicants.
Mrs. P. V. Diggikar, APP for Respondent No.1 / State.
Ms Zainab M. Surti, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 20th August, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.122 of 2018, registered with Bhingar Camp Police Station, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

3 Both the sides are heard.

4 The crime is registered on the basis of report given by Respondent No.2, Parveen Shaikh. Applicant No.1, Gani is the uncle of the husband of first informant. Applicant No.2 is the wife of Applicant No.1 and Applicant No.3 is the son of Applicant Nos.1 and 2. They are residents of Pune. Applicant No.3 is said to be in police

department, working as police constable.

5 The Complainant was given in marriage on 13th December, 2009. She has made many allegations in the complaint like administering poisonous substance to her by her husband and his other relatives. Allegations made against present Applicants are to the effect that they had come to her place of residence like Nimgaonwagha, Taluka Nagar on one occasion and they had given threats to her. Allegations are very vague in nature and even month of the incident is not mentioned. The record shows that in other proceeding, she had contended that she was deserted by her husband in the year 2012. In the complaint, she has made allegations that the incident in which the present Applicants were involved, took place after March 2014. As allegations are vague in nature against the present Applicants and as they are not the close relatives of the husband, this Court holds that there is clear possibility of false implication of the Applicants in this case. Nothing can be achieved by asking the present Applicants to face trial for the aforesaid offences in view of the nature of allegations made against them. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]**[T. V. NALAWADE, J.]***ndm*