

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL PETITION NO.434 OF 2017

Shahnawaz Khan & Ors. Petitioners

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Adnan Shaikh I/by Mr. Atif N. Shaikh for the Petitioners.
Mr. Rajan Salvi, Additional P.P. for Respondent no.1- State
Mr. Imtiyaz Patel for Respondent no.2.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ

Date : 13th March, 2018

P.C.

1 The above petition is filed for quashing of the F.I.R. No. 153 of 2016 for the offences punishable under Sections 498A, 406 and 34 of the Indian Penal Code. The said F.I.R. is obviously a fall-out of the matrimonial dispute between the first informant and the petitioner no.1, Shahnawaz Khan, who is her husband. A reading of the said F.I.R. discloses the facts which according to the respondent no.2 transpired after her marriage

to the petitioner no.1 and which are now the foundation for the offences alleged against the petitioners.

2 The learned counsel for the petitioners, Mr. Adnan Shaikh endeavoured to demonstrate to us that from the facts as disclosed in the F.I.R., the ingredients of the offences alleged against the petitioners do not exist. We have with the assistance of the learned counsel for the petitioners, the learned Additional P.P. Mr. Salvi and the learned counsel for respondent no.2, Mr. Patel gone through the F.I.R. and the report, which was submitted to us by the learned APP as regards the material which has been uncovered during the investigation. We are prima facie of the view that it could not be said that the petitioners have been wrongly arraigned for the offences, which are alleged against them. We refrain ourselves from making any elaborate comments as regards the material against the petitioners lest it affects the petitioners during trial or consideration of any application that the petitioners may file. The learned APP, on instructions informs us that the charge-

sheet is ready for filing and would be filed within 10 days from date. For the reasons aforesated, there is no merit in the petition which is accordingly dismissed.

3 Needless to state that if any application is filed by the petitioners for discharge, the same would be considered by the concerned court on it's own merits and in accordance with law.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)