

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

CRIMINAL WRIT PETITION NO. 814 OF 2018

Sushma Ravindra More
Age: 48 years, Occu.: Household,
R/o Plot No. 10/4, Nageshwar Colony,
Mahabal Area, Jalgaon, Dist. Jalgaon

..PETITIONER

VERSUS

1. The Union of India
Through its Secretary,
Home Department, Delhi
2. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai.
3. The Director General of Police
Maharashtra State, Mumbai
4. The District Superintendent of Police,
Jalgaon, Dist. Jalgaon
5. The Ramanand Nagar Police Station
Jalgaon, Dist. Jalgaon
Through its Police Inspector

..RESPONDENTS

**WITH
CRIMINAL APPLICATION NO. 3384 OF 2018**

1. Shweta Ravindra More
Age: 21 years, Occu.: Household,
2. Shaikh Wasim Shaikh Ahmed
Age: 25 years, Occu.: Nil,
Applicant Nos. 1 & 2 R/o Sita Bardi, Nagpur

3. Shaikh Ahmed Shaikh Turab
Age: 58 years, Occu.: Labour
4. Saghira Bi w/o Shaikh Ahmed
Age: 52 years, Occu.: Household,
5. Shaikh Imran Shaikh Ahmed
Age: 27 years, Occu.: Nil,
App.no.3 to 5 R/o Dangalgrast Colony,
Near Akaswani Centre, Water Tank,
Jalgaon, Dist. Jalgaon.
6. Shaikh Abdul Aziz
Age: 70 years, Occu.: Nil,
7. Saeed Abdul Aziz Shaikh
Age: 34 years, Occu.: Labour
8. Sohail Khan Ayyub Khan
Age: 25 years, Occu.: Labour,
App.no. 6 & 8 R/o Chavan Colony,
Near Vetlapada Police Chowk, Bhiwandi,
Dist. Thane

..APPLICANTS

VERSUS

1. State of Maharashtra
2. Sau Susma Ravindra More
Age: 45 years, Occu.: Household,
R/o Nageshwar Colony, Plot 10/4
Mahabal Parisar, Jalgaon,
Dist. Jalgaon

..RESPONDENTS

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Mr. V.B. Patil, Advocate for petitioner and for respondent no.2 in
APPLN/3384/18

Mr. S.B. Deshpande, A.S.G. for respondent no.1 in CRWP/814/18

Mr. A.A. Jagatkar, A.P.P. for respondent nos. 2 to 5 in CRWP/814/18 and
for respondent no.1 in APPLN/3384/18

Mr. Shaikh Mohd. Naseer, Advocate for applicants

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**CORAM : S.S. SHINDE AND
R.G. AVACHAT, JJ.
RESERVED ON : 16th JANUARY, 2019
PRONOUNCED ON : 24th JANUARY, 2019**

JUDGMENT (PER : R.G. AVACHAT, J.)

Rule. Rule made returnable forthwith. With the consent of the parties heard finally.

2. Perused the grounds taken in the petition and application and also the evidence on record in the form of documents. Criminal Writ Petition No. 814 of 2018 has been filed for the following main relief :-

“B] By appropriate writ, order or direction in the like nature of writ, may please kindly be transfer the investigation of Crime/F.I.R. No.33 of 2018 registered at Ramanand Nagar Police Station, Jalgaon dated 01.03.2018 u/s 302, 201, 120-B of I.P.C. to the Independent Investigation Agencies under the Union of India like Central Bureau of Investigation or any other and for that purposes appropriate and suitable orders may kindly be passed.”

Whereas Criminal Application No. 3384 of 2018 has been filled for the relief of quashing and setting aside F.I.R. bearing C.R. No. 33 of 2018 dated 01st March, 2018 registered with Ramanand Police Station,

Jalgaon for the offences punishable under Sections 302, 201 and 120-B of the Indian Penal Code against Applicant Nos. 2 to 8.

3. The petitioner is the mother of two daughters and one son. Shweta is one of them. It appears that Shweta was emotionally involved with Shaikh Wasim Shaikh Ahmed. Both of them eloped for no return. They got married. The petitioner, however filed an application before the Court of Judicial Magistrate First Class, Jalgaon alleging Shaikh Wasim and his family members to have murdered Shweta. An application for issuance of search warrant under Section 97 of Code of Criminal Procedure had also been moved by the petitioner. Investigating machinery ultimately could locate both Shweta and Shaikh Wasim.

4. The parties to this proceeding viz. Shweta's mother, Shweta, Shaikh Wasim and his family members appeared before us. Shweta, aged about 21 years, is major. The documents in proof of her age were also produced before us. Shweta submitted that she was emotionally involved with Shaikh Wasim. Both of them therefore eloped and have now married. She went on to submit to have been living happy married life with Shaikh Wasim.

5. In view of the aforesaid factual backdrop, F.I.R. bearing C.R. No. 33 of 2018 dated 01st March, 2018 registered with Ramanand Police Station, Jalgaon for the offences punishable under Sections 302, 201 and 120-B of the Indian Penal Code against Applicant Nos. 2 to 8 stands quashed and set aside. Rule made absolute.

6. In view of quashing of F.I.R. bearing C.R. No. 33 of 2018, criminal writ petition does not survive and same is disposed of accordingly.

(R.G. AVACHAT, J.)

SSD

(S.S. SHINDE, J.)