

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

**CRIMINAL APPLICATION NO. 1280 OF 2022**

Bilal Gouse Azam Shaikh and Others

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. G.J. Kore, Advocate for applicants

Mr. R.B. Bagul, A.P.P. for respondent no.1 - State

....

**CORAM : R.G. AVACHAT, J.**

**DATED : 28<sup>th</sup> APRIL, 2022**

**PER COURT :**

1.           Heard.

2.           The challenge herein is to the order of issuance of process for the offences under Sections 498A, 323 and 506 read with Section 34 of the Indian Penal Code in a case instituted otherwise than on police report. As such, the procedure for trial for such case has been prescribed in Chapter XIX Part B of the Code of Criminal Procedure. Section 245(2) thereof speaks that nothing in that section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

3. As such, the applicants herein can very well urge the concerned Magistrate for their discharge from the case. In view of the same, criminal application stands dismissed.

**( R.G. AVACHAT, J. )**

SSD