

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

CRIMINAL APPLICATION NO. 3851 OF 2022

Shaikh Razzak Shaikh Akbar
and another

.. Applicants

Versus

Shaikh Imran Shaikh Sardar and another

.. Respondents

Mr. Vinod I. Thole, Advocate for the Applicants.

Mr. S. W. Munde, APP for Respondents/State.

CORAM : KISHORE C. SANT, J.

DATED : 08th DECEMBER, 2022.

P C. :-

1. Heard learned advocate for the applicants.
2. Learned advocate for the applicants prays for quashing of the order dated 23.08.2022 passed by the learned 3rd J.M.F.C., Gangapur in S.C.C. No. 430/2022 wherein, the Court has issued summons against the applicants under Section 204 of the Code of Criminal Procedure (for short "Cr.P.C.") for the offences punishable under Sections 504 and 506 r/w Section 34 of the Indian Penal Code. He is also praying for quashing of the complaint.
3. It is submission of the learned advocate for the applicants that there are civil suits pending between the parties. The complainant/respondent has even filed one civil suit in the Court at Vaijapur wherein, the allegations are made even against the police. In

the said suit later on the police came to be deleted from the array of respondent. He further points out that there is a variance between the complaint and the verification recorded by the learned J.M.F.C. wherein, in the verification there is improvement made by the complainant which does not find place in the complaint. He submits that, if this complaint is allowed to go that will amount to abuse of process of law and thus, this is a fit case where this Court can exercise the power vested under Section 482 of the Cr. P. C.

4. After hearing the parties, it seems that the learned Magistrate has issued the process after satisfying itself by recording verification. Once the learned Magistrate has taken the cognizance by following proper procedure, this Court need not interfere when prima facie case is made out against the respondents.

5. Secondly, it needs to be noted that the applicants have not challenged the order dated 23.08.2022 by filing revision before the learned Sessions Court. On this count, this Court is not inclined to entertain the application which is directly filed before this Court. Thus, there is no merit in the application.

6. The criminal application is dismissed.

(KISHORE C. SANT, J.)

PS.B.