

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CRIMINAL APPLICATION NO.1297 OF 2022

1. Javed s/o Jafar Pathan,
 2. Jafar s/o Kasam Pathan,
 3. Maherunissa w/o Jafar Pathan,
 4. Jinat w/o Shabaj Pathan,
 5. Shabaj s/o Hamid Shaikh,
 6. Hamid s/o Pijroddin Shaikh
- ...Applicants

versus

1. The State of Maharashtra
 2. Saniya w/o Javed Pathan
- ...Respondents

...

Advocate for Applicants : Ms. Ashwini A. Lomte h/f Mr. S.J. Salunke
APP for Respondent No.1: Mr. N.T. Bhagat
Advocate for Respondent No.2 : Mr. Saeed S. Shaikh

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th JULY, 2023.**

PER COURT :-

1. Heard. The learned advocate for the applicants, on instructions, withdraws the application of applicant No.1 (husband).
2. This application has been filed for quashment of F.I.R. No. 5 of 2022 registered with Kaij Police Station, District Beed for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C. and the consequential charge sheet in R.C.C. No. 60 of 2022, filed before the learned J.M.F.C. Kaij, District Beed.

3. After hearing the learned advocate for the applicants, we expressed disinclination to grant them relief in view of the fact that *prima facie*, the offence under Section 498-A of I.P.C. is made out. The learned advocate for the applicants, makes a statement that their advocate would co-operate with the trial in the case.

4. Close reading of the F.I.R. would indicate that applicant No.5, who is husband of sister-in-law has unnecessarily been roped in. We therefore, allow the application in terms of prayer clause "B", "C-1" and C-2" to the extent of applicant No.5-Shabaj s/o Hamid Shaikh.

5. In view of the above, except the husband, rest of the applicants are permanently exempted from appearing before the trial court provided they would appear for framing of charge and they would also appear before the trial court as and when the trial court would require their presence for effective hearing of the case. The trial court may also grant the husband exemption as and when he makes out a case therefor. The trial court is expected to conclude the trial within 12 months.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/