

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 885 OF 2022

SHOBHA W/O. KADUBAL MORE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Khutwad Manoj Ramdas

APP for Respondent No.1/State : Mr. P. N. Kutti

Advocate for Respondent No.2 : Adv. Kamble Neha B.

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CORAM : KISHORE C. SANT, J.

DATE : 5th APRIL 2023.

Per Court :

Heard for sometime.

1. This is a petition filed by some of the original accused challenging an order of framing of charge for the offences punishable under Sections 327, 384 of the Indian Penal Code. It is submitted that there are no allegations so far as the petitioner nos. 1 to 4 are concerned. So far as the petitioner nos. 5, 6 and 7, petition is already withdrawn at the time of issuance of notice.

2. The learned Advocate for the petitioners has taken this Court through FIR and other statements recorded by the police, which formed the part of charge-sheet. He submits that when there is no material to frame the charges against these petitioners, proceeding against them would be undue harassment and prays for setting aside the order of framing of charge dated 03.03.2021 in R.C.C. No.84/2021 passed by the learned Judicial Magistrate First Class, Court No.1, Newasa.

3. Learned Advocate for respondent no.2 vehemently opposes the petition. Whereas the learned APP also opposes the petition stating that the names of petitioners are reflected in the FIR and investigation. They also submit that the order is revisable and for that reason petition is not maintainable for want of alternate efficacious remedy.

4. Considering the submissions and the material, this Court finds that there is no material sufficient to frame charges against petitioner nos. 2, 3 and 4 i.e. accused no. 3 – Suvarna Kadubal More; accused no.4 – Sujata Kadubal More and accused no. 5 – Vaibhav Kadubal More (his name does not appear in the order and name of Kadubal is typed at

two places). Thus this Court finds that the petition can be allowed in respect of these petitioners. Hence the following order.

ORDER

(i) The charge framed by the learned J.M.F.C. Newasa vide order dated 03.03.2021 in R.C.C. No.84/2021, for the offences punishable under Sections 327, 384 of the IPC against petitioner no. 2/Suvarna Kadubal More; petitioner no. 3/Sujata Kadubal More and petitioner no. 4/Vaibhav Kadubal, is quashed and set aside.

(ii) With this, the Writ Petition is disposed off.

[KISHORE C. SANT, J.]

Najeeb.