

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1042 CRIMINAL WRIT PETITION NO. 1610 OF 2022

1. Shaikh Aymad Shaikh Vajir
 2. Shaikh Humshera (Hajerabi) W/o Shaikh Vajir
 3. Shaikh Vajir Shaikh Mannu
 4. Shaikh Sumaiyya Aymad W/o shakh Aymad
- ..PETITIONERS

-VERSUS -

1. The State of Maharashtra
 2. Akhila Aymad Shaikh
- ..RESPONDENTS

...
Advocate for petitioners : Mr. Rameez M. Shaikh
APP for Respondent/State : Mr.R.V. Dasalkar
Advocate for Respondent No.2 : Mr.V.P. Bakal (appointed)
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 29th SEPTEMBER, 2023.**

PER COURT :-

1. The learned advocate for the petitioners, on instructions, seeks withdrawal of petition to the extent of petitioner no.1-husband. The petition stands disposed of as withdrawn to the extent of petitioner no.1.
2. Heard.
3. The learned advocate for respondent no.2 and the learned APP have strong reservation to grant relief to the petitioners.

According to them, there are allegations against all the petitioners and those are sufficient to make them stand trial.

4. We have perused the FIR and related police papers. Respondent No.2 married petitioner no.1 Aymad way back in April, 2010. They are blessed with two children. All the petitioners are alleged to have started harassing and illtreating her so as to coerce her to fetch Rs.2,00,000/- for cotton business. Close reading of the FIR, however, indicates that there is no specific overt act or specific incident in connection with unlawful demands has been highlighted against petitioner nos.2 to 4. In view of the same, directing them to stand trial would be an abuse of process of the Court. We, therefore, allow the Petition in terms of prayer clause "B".

5. The petitioners shall deposit a sum of Rs.10,000/- with this Court within two weeks. Once the amount is deposited, the same be paid to the learned appointed advocate Mr.V.P. Bakal, appointed to represent respondent no.2.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/