



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3983 OF 2023

Syeda Benazeer d/o Syed Iqbal
Age: 29 years, Occu.: Legal Practitioner,
R/o. Gut No.16, Behind Bajaj Hospital,
Near Ganga Godavari Lawns,
Satara Parisar, Aurangabad.

.. Applicant

Versus

1. The State of Maharashtra
Through Police Inspector,
Vedant Nagar Police Station,
Aurangabad.
2. Ayesha w/o Kadir Shaikh
Age: 44 years, Occu.: Legal Practitioner,
R/o. Beed Bypass, Railway Station,
Aurangabad.

.. Respondents

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WITH

CRIMINAL APPLICATION NO.271 OF 2024

1. Ayesha w/o Quadir Shaikh
Age: 44 years, Occu.: Advocate
2. Quadir Shaikh Musheer Shaikh
Age: 52 years, Occu.: Service,
Both applicants
R/o. Beed Bypass, Railway Station,
Tq. And Dist. Chh. Sambhajinagar.

.. Applicants

Versus

1. The State of Maharashtra
Through its,
Police Station Vedant Nagar,
Tq. And Dist. Aurangabad.
2. Sayyada Benzir Sayyad Ekbal
Age: 28 years, Occu.: Advocate
R/o. Gat No.16, Behind Bajaj Hospital,
Satara Parisar, Chh. Sambhajinagar.

.. Respondents

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Mr. Rahul A. Shinde h/f Mr. B. S. Doifode, Advocate for the applicants in Criminal Application No.271 of 2024 and for respondent No.2 in Criminal Application No.3983 of 2023

Mr. Shyam C. Arora, Advocate for applicant in Criminal Application No.3983 of 2023 and for respondent No.2 in Criminal Application No.271 of 2024 (Absent).

Mr. V. K. Kotecha, APP for respondent No.1/State in both the matters.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

RESERVED ON : 16 JULY 2025

PRONOUNCED ON : 07 AUGUST 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Criminal Application No.3983 of 2023 has been filed for quashing the FIR vide Crime No.126 of 2023 dated 20.06.2023 registered with Vedant Nagar Police Station, District Aurangabad for the offences punishable under Sections 509, 323, 506 of Indian Penal Code, whereas Criminal Application No.271 of 2024 has been filed for quashing the FIR vide Crime No.132 of 2023 registered with Vedant Nagar Police Station, District Aurangabad for the offences punishable under Sections 354-D, 323, 504, 506 of Indian Penal Code.

2. These are the cross FIRs and, therefore, they were tagged together for consideration. However, learned Advocate for the applicant in Criminal Application No.3983 of 2023, who is also appearing for respondent No.2 in Criminal Application No.271 of 2024 was absent

without assigning any reason and, therefore, this Court has no option, but to dismiss the Criminal Application No.3983 of 2023. Hence, Criminal Application No.3983 of 2023 stands dismissed.

3. Only Criminal Application No.271 of 2024 is taken up for consideration. Since applicant No.1 and respondent No.2 are practicing Advocates and taking into consideration the allegations, we would like to hide their names.

4. Heard learned Advocate Mr. Rahul A. Shinde holding for learned Advocate Mr. B. S. Doifode for the applicants in Criminal Application No.271 of 2024 and for respondent No.2 in Criminal Application No.3983 of 2023 and learned APP for respondent No.1/State in both the matters.

5. Learned Advocate for the applicants submits that applicant No.1 is the wife of applicant No.2. Applicant No.1 and respondent No.2 are practicing before the District and Sessions Court, Aurangabad. Respondent No.2 in her FIR vide Crime No.132 of 2022 registered with Vedant Nagar Police Station, District Aurangabad for the offences punishable under Sections 354-D, 323, 504, 506 of Indian Penal Code contends that she is acquainted with applicant No.1. Applicant No.1 had brought some marriage proposal for respondent No.2, however, the informant had refused and according to the informant, since then applicant No.1 was unnecessarily annoyed with the informant. Applicant

No.1 was taking objection for working of the informant with Hindu Advocates. She used to say that the informant should not come to Court by doing makeup and since she is working with some other persons also, according to informant, applicant No.1 was defaming her. Applicant No.2 used to leave applicant No.1 to the Court and she had introduced him to respondent No.2/informant. Since last two years, applicant No.2 was unnecessarily making advances towards the informant. Whenever she used to go to house from the Court he used to come to near her and used to offer lift to her which she used to refuse. When she told the said fact to applicant No.1, applicant No.1 told that she can go with applicant No.2. A month prior to the FIR, he unnecessarily insisted the informant to come along with him in the university area by sitting on his motorcycle. Another incident is stated to be on 08.06.2023. Since applicant No.1 and informant have made complaints against each other with Bar Council, the inquiry is going on. She states about one more incident dated 11.06.2023 and the ultimate incident is stated to be on 20.06.2023 which took place in the ladies room in the Court, where the applicant No.1 had abused and assaulted the informant. This incident has been witnessed by the other lady Advocates. On the same day, at night time, applicant No.1's daughter had given the link to the informant in which message was typed "my real time location".

6. Learned Advocate for the applicants submits that this FIR is nothing but in retaliation to the FIR lodged by applicant No.1 with Vedant Nagar Police Station vide Crime No.126 of 2023 on 20.06.2023. A concocted story has been created. Applicant No.2 is doing his job with Bombay Mercantile Co-operative Bank Ltd. at Aurangabad and he has been falsely implicated. No such incidences have taken place. Applicant No.1 is doing her practice with dignity since last 12 years and is also giving some ethical lessons to new comers in Court. Her suggestions cannot be considered otherwise.

7. Learned APP strongly opposed the application and submitted that since the charge-sheet has been filed and there are statements of witnesses, let there be trial.

8. The first and the foremost fact is that in the said FIR lodged by applicant No.1, there is reference to the incident dated 20.06.2023 and it appears that there was investigation and the charge-sheet in that matter. Now, here, in this case, for the said incident dated 20.06.2023, there is statement of three witnesses, who are the lady Advocates. Two of them have denied to see the incident and the third states that the incident of abuses and assault took place in the ladies room in the District Court. However, her statement is that the present informant also had abused applicant No.1 and the assault to each other was with hands. Under

such circumstance, as against applicant No.1 is concerned, especially in respect of incident dated 20.06.2023 there are disputed facts. No doubt, the present FIR dated 27.06.2023 is belated. Only on the basis of delay there cannot be quashment, because it can be explained at any point of time. Another fact to be noted is that as regards applicant No.2 is concerned, he has been arrayed under Section 354-D of Indian Penal Code and those allegations are not against applicant No.1. While hearing the submissions, we had raised a question as to whether Section 354 can be attracted against a women in a FIR lodged by a women, but taking into consideration now the disputed questions of fact and there are now the cross FIRs, we do not want to enter into that arena. Let that be decided by the trial Court. We do not find this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure.

9. Hence, Criminal Application No.271 of 2024 stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm