



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.539/2025

Dr. Shahab Mohammad Sharif Mohd. Abdul Majid Sharif and others

Vs.

State of Maharashtra through P.S.O., P.S. Sadar, Nagpur City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Dhruv Sharma, Advocate h/f Shri P.B. Naide, Advocate for petitioners
Ms H.N. Prabhu, APP for respondent/State

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 16.07.2025

By this Writ Petition, the petitioner is seeking quashing and setting aside Regular Criminal Case No.695/2014, pending before the learned Judicial Magistrate First Class-11, Nagpur, and also direction to the learned Trial Court to conclude Regular Criminal Trial No.695/2014 expeditiously, preferably within a period of three months.

2. As per the contention of the petitioner, the First Information Report was registered at Police Station, Sadar, Nagpur, under Section 498A read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, in arraigning the present petitioner No.1 and other family members alleging that the complainant was subjected for ill treatment at their hands and also for the illegal demand. The deceased allegedly set herself ablaze at her natal home in Bhaldarpura, Nagpur. She was rushed to Rahate Hospital, where an alleged dying

declaration was allegedly recorded by the Deputy Tahsildar. The deceased succumbed to her injuries at National Burns Centre, Airoli, Mumbai, and ADR No.25/2025 was registered under Section 174 of the Criminal Procedure Code. As the case under Section 498A bearing Regular Criminal Case No.695/2014, was pending before the learned Judicial Magistrate First Class, Nagpur, and charge was framed against the petitioners on 03.09.2018. The evidence of PW-1 was recorded on 25.06.2019 and thereafter the matter has been listed for evidence more than 50-60 times. But, it was not concluded and the petitioners have to attend proceedings before the learned Trial Court for years together. In view of that, the petitioners prayed either to quash the proceedings or to give directions to the learned Trial Court to conclude Regular Criminal Case No.695/2014.

3. Learned APP strongly objected for the same and submitted that the trial is already commenced. Considering the huge pendency before the learned Trial Court, no such directions can be given.

4. On hearing both the sides and on perusal of the petition as well as the documents filed on record, admittedly the First Information Report is lodged against the present petitioners under Section 498A read with Section 34 of the Indian Penal Code dated 23.09.2013. After investigation, the charge was framed on 03.09.2019. After framing of the charge, one witness appears to have been examined.

Admittedly, now the case is more than 10 years old. There are time and again directions by this Court as well as by the Hon'ble Apex Court to dispose of the old trial which are older more than 10 years or 5 years.

5. Considering the grievance raised by the petitioner in the present Writ Petition substantiated by the material and Rojnama and considering the case is olden i.e. 10 years old, the said directions are requires to be given to the learned Trial Court. In view of that the Writ Petition deserves to be allowed by directing the learned Trial Court to conclude the Regular Criminal Case No.695/2014 being old one within six months. With this direction, the Writ Petition is disposed of.

JUDGE

R.S. Sahare