IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPLICATION NO. 356 OF 2024

1. Sadik Noorkhan Pathan
2. Mohsin Sadik Pathan
3. Shahebaj Sadik Pathan
4. Farjana Sadik Pathan
5. Shaheen Mohsin Sadik Pathan
6. Karishma Shahebaj Pathan
7. Hujef Shermohmmad Inamdar
8. Ruksana Shermohmmad Inamdar
9. Faruk Budhan Shaikh

VERSUS

The State Of Maharashtra And Another

Mr. M. A. J. Shaikh, Advocate for Applicants
Mr. S. P. Joshi, APP for Respondent No. 1/State
Mr. Y. B. Pathan, Advocate for Respondent No. 2

CORAM : R.M. JOSHI, J
DATE : OCTOBER 30, 2026

P. C. :

1. At the outset, it needs to be recorded that Application of Applicant No. 1 is dismissed as withdrawn vide order dated 22.03.2024.

2. Applicant Nos. 2 to 9 seek quashment of the F.I.R bearing C. R. No. 185 of 2022 dated 06-05-2022 registered with Loni Police Station, Loni, Tal. Rahata, Dist. Ahmednagar for offences punishable under Sections 452, 354, 143, 141 ,148, 149, 324, 323, 504 and 506 of Indian Penal Code, 1860.

3. First information report lodged by informant indicates that an

incident had occurred at about 07.30 am on 06.05.2022 wherein she alleges that accused no. 1, whose application is dismissed as, he committed act amounting to outraging modesty so also he assaulted husband of the informant with some weapon. Though present Applicants are named in the FIR, there is no allegation against them indicating they having committed any cognizable offence.

4. Learned Counsel for the Applicants submits that there are disputes between the parties over the land and owing to the same, possibility of over implication exists. According to him, even if the allegations in the FIR so also statements of witnesses are accepted to be correct, no offence is made out against Applicants to undergo the rigors of criminal trial.

5. Learned APP and learned Counsel for informant opposed the application. They drew attention of the Court to the FIR, which according to them, gets further support from the statement of husband of the Informant. They also referred to the said statements recorded during the course of investigation. Learned Counsel for Informant drew attention of the Court to the injury certificate on record indicating causing of injury to the husband of the Informant. According to them, this entire evidence is more than enough to connect Applicants with crime and whether they have committed crime or not would be a matter to be decided by the Trial Court.

6. While exercising powers under Section 482 of the Code of Criminal Procedure the Court is require to see as to whether after acceptance of allegations in the FIR to be true, any offence is made out against Applicants. Perusal of the FIR so also statements of witnesses do not indicate any cognizable offence being committed by the present Applicants. The allegations are against co-accused, who is not Applicant before this Court. By following judgment in case of ***State of Haryana and Others v. Ch. Bhajan Lal and Others, AIR 1992 SC 604***, the present Application deserves to be allowed.

7. In view of above, Application stands allowed in terms of prayer clause 'B' qua Applicant Nos. 2 to 9.

(R. M. JOSHI, J.)

Malani