IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1194 OF 2025

1. Amer Pasha s/o Abdul Quadar Sayyed
2. Abdulquadar s/o Janulla Sayyed
3. Parveen w/o Abdulquadar Sayyed
4. Umair Pasha s/o Abdulqadar Sayyed
5. Farah Naaz d/o Wajedkhan Pathan
6. Imran s/o Hamed Pathan
7. Ashufta w/o Imran Pathan
8. Shaista w/o Sameer Shaikh
9. Sameer s/o Nawab Shaikh ….PETITIONERS

VERSUS

1. The State of Maharashtra,
   Thr. the Police Inspector,
   Ahmedpur Police Station, Ahmedpur,
   Tal. Ahmedpur, Dist. Latur

2. Bibi Javeri w/o Amer Pasha Sayyed

3. The Superintendent of Police,
   Tal. & Dist. Latur

4. Tayyab M. Shaikh,
   Investigating Officer,
   Ahmedpur Police Station, Ahmedpur,
   Tal. Ahmedpur, Dist. Latur ….RESPONDENTS

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Mr K. N. Shermale, Advocate for Petitioners
Mr V. M. Lomte, APP for Respondent No.1, 3 & 4/State
Mr V. G. Kodale, Advocate for Respondent No.2 (thr. V.C.)

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 30th OCTOBER 2026

P. C. :

1. Heard learned Advocate for the petitioners, learned APP for respondent No.1/State and the learned Advocate for respondent No.2, who appears through the video conferencing mode.

2. By this criminal writ petition, the petitioners are praying for quashing and setting aside the FIR bearing C.R. No.0535/2025, dated 29/07/2025, registered against them by respondent No.2 with the Ahmedpur Police Station, Ahmedpur, Dist. Latur, for offences punishable under Sections 333, 189(2), 115(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and the consequential proceedings arising out of the said FIR.

3. Respondent No.2/informant alleged in the aforesaid FIR that she has been residing at the house of Sayyed Irfan Irshad Husain, in Ahmedpur for the last one and half year, and she is dependent upon the household work, earning her livelihood on her own, though the petitioners are stated to be her relatives/in-laws. She further alleged in the complaint that, on 27/07/2025 at around 5:30 p.m., when she was present in her house, the petitioners came to her house and began abusing her on the pretext of her having filed a maintenance application against them. When she informed them that she was

residing alone and therefore required maintenance, all the petitioners allegedly assaulted her with fists and kicks, and pulled her hair. They also threatened her to commit her murder, if she has not withdrawn her maintenance application.

4. It is further alleged that, when the aforesaid quarrel was taking place, neighbour of the informant, namely, Irfan Irshad Sayyed came there and after seeing the quarrel, he called his mother, namely, Rubina Pathan. When his mother came there, she was also abused and assaulted by the petitioners. Thereafter, Irfan also gave call to one Chandpasha Mehboob Sayyed, who was passing through the same lane. Both of them pacified the said quarrel. With all these allegations, the informant lodged the aforesaid report with the police station stating therein that, on 27/07/2025 around 5:30 p.m., the petitioners/accused persons entered her house and assaulted her and threatened her for withdrawing the maintenance case.

5. Learned Advocate for the petitioners submits that the petitioners have been falsely implicated on the ground of they have succeeded in quashing and setting aside the earlier FIR filed by respondent No.2 bearing C.R. No.567/2023, dated 03/10/2023, by this Court. He submits that earlier the respondent No.2 had filed FIR

No.567/2023 for the offences punishable under Sections 498-A, 420, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Muslim Women (Protection of Right on Marriage) Act, 2019. He further submits that the said FIR was challenged by the petitioners in Criminal Writ Petition No.44/2024. This Court, vide order dated 02/05/2025, allowed the said petition, thereby quashing the said FIR and the consequential criminal proceedings to the extent of petitioner Nos.2 to 9.

6. The learned Advocate for the petitioners further submits that since petitioner No.2 intended to travel abroad, he approached this Court seeking permission/no objection for the issuance of a passport to undertake the Haj or Umrah pilgrimage. This Court, vide order dated 03/07/2025 in Criminal Application Nos.1695/2025 and 1696/2025, allowed the said proceedings. According to the learned Advocate for the petitioners, upon learning of the this development, Respondent No. 2, with the assistance of the police, filed the instant FIR, containing false allegations to create hurdles for Petitioner Nos.2 and 3 in performing their religious pilgrimage. He further submits that, though this Court had passed an order not to take any coercive action against the petitioners, the Investigating Officer has completed the

investigation and has filed the charge-sheet before the learned Judicial Magistrate first Class, Ahmedpur vide Regular Criminal Case No.457/2025. Therefore, according to learned Advocate for petitioners, respondent No.2 took help of the Investigating Officer in order to lodge the crime in question and the said Investigating Officer has misused his power, and therefore, the petitioners have approached to this Court for quashing the afore-stated proceedings, FIR and charge-sheet registered against them. He, thus, prays that this petition may be allowed.

7. On the contrary, learned APP for the respondent No.1/State strongly opposes the instant petition. He submits that, though the petitioners claim that the FIR in question has been lodged as a counterblast to the order dated 02/05/2025, passed in Criminal Writ Petition No.44/2024, wherein the Regular Criminal Case No.431/2023, arising out of FIR No.567/2023 registered for the offences punishable under section 498-A, 420, 323, 324, 504, 506 read with Section 34 of the Indian Penal Code and under Section 4 of the Muslim Women (Protection of Right on Marriage) Act, 2019 has been quashed. However, the fact that the petitioners have approached to the house of respondent No.2 on 27/07/2025 cannot be disputed at this

stage, more particularly, when there are two independent eye-witnesses and moreover, there is injury certificate of the respondent No. 2. He further submits that this incident is a subsequent incident and there being sufficient incriminating material against the petitioners, it would be inappropriate to conclude that the respondent No.2 has lodged an FIR to falsely implicate the petitioners in order to harass them. He, therefore, submits that the present petition requires to be dismissed and the petitioners are liable to be prosecuted for the trial court. He, therefore, prays for dismissing the present writ petition.

8. Learned Advocate for respondent No.2/informant also vehemently opposes this criminal writ petition. He reiterates the submissions advanced by the learned APP and prays for rejection of this criminal writ petition.

9. Learned Advocate for the petitioners vehemently opposes the submissions of the learned APP and learned Advocate for respondent No.2/complainant. He relies upon the judgment dated 20/03/2026, delivered by the Hon'ble Apex Court in **Sujoy Ghosh Vs. The State of Jharkhand and Anr. in** Criminal Appeal No.1499/2026 (Arising out of SLP (Cri.) No.9452/2025). Further, relying upon paragraph No.102 of the judgment of the Hon'ble Apex Court in **State**

of Haryana and others Vs. Bhajan Lal and others, 1992 Supp(1) SCC 335, learned Advocate for petitioners submits that the proceedings initiated at the behest of respondent No.2 are liable to be quashed, as the allegations made in the FIR are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceedings against the accused. He further submits that the criminal proceedings is manifestly attended with mala fide and maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite them due to private and personal grudge.

10. Having heard the rival submissions advanced by the learned Advocates for the respective sides, I have perused the material available on record, including the FIR and the charge-sheet. The submissions of the learned Advocate for the petitioners, by relying upon the judgment in **State of Haryana and others (supra),** though appear to be proper, however, in my opinion, the same cannot be made applicable to the instant case for the very reason that the incident in question is not doubtful. There is not a single averment or submission on behalf of the petitioners that they had not gone to the house of

respondent No.2. There is no submissions that the petitioners were at different places at the time of alleged incident. Thus, there being no denial of their presence on the spot, the presence of the petitioners, assume significance, more particularly, after considering the statements of two independent eye-witnesses recorded by the Investigating Officer.

11. It is also the case of respondent No.2 that in the aforesaid incident, she has received the injuries and she was referred to the Medical Officer for treatment. The said medical certificate annexed to the charge-sheet, discloses that she was received an contusion over the neck. Learned Advocate for the petitioners though tried to dispute the said injury certificate, issued by the Medical Officer of the Rural Hospital, Ahmedpur on 29/07/2025, however, the Medical Officer, while issuing the said certificate, opined that the injuries were inflicted within the preceding 48 hours, and therefore, at this stage, it would not be appropriate to test the credibility of said certificate, without affording opportunity to the prosecution to prove it before the trial Court.

12. In view of aforesaid discussion, there being a prima facie case against the petitioners as regards their presence on the spot,

incriminating role having been witnessed by two independent eye-witnesses and the medical certificate annexed to the charge-sheet, the aforesaid guidelines propounded by the Hon'ble Apex Court will not be applicable straightway to this case. Therefore, in my opinion, the petitioners have failed to prove that the aforesaid registration of crime is an attempt to counter blast to their relief of quashment of their earlier FIR, or the order passed by this Court, permitting some of the accused to go to the abroad. Hence, the instant criminal writ petition is liable to be rejected and accordingly, the same is dismissed.

13. It is, however, made clear that the learned trial court shall not get influenced by this order, and shall proceed with the trial in accordance with law.

[SUSHIL M. GHODESWAR, J.]

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