

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.978 OF 2021

**SUREKHA W/O VIJENDRA JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicants : Mr. Ravindra B. Ade
APP for Respondent No.1 : Shri M. M. Nerlikar
...

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.**

DATE : 09th JULY, 2021

PER COURT :

1. We have heard the learned counsel for applicants for some time. The learned counsel for applicants has pointed out that for similar allegations, on the basis of the Criminal M. A. No. 1710 of 2020 lodged by one Baburao Ramdas Pawar, pursuant to the order passed by the magistrate, Crime No. 408 of 2020 came to be registered at Jinsi Police Station, Aurangabad. The learned counsel submits that almost with the same allegations against applicants, Respondent No.2 – Mangilal has filed Criminal M.A. No. 1578 of 2020 against the applicants and as per the directions given by the Magistrate under Section 156(3) of Cr.P.C. Crime No. 40 of 2021 came to be registered at Kranti Chauk Police Station, Aurangabad.

2. The learned counsel submits that in view of the ratio laid down by the Hon'ble Supreme Court in case of ***Babubhai vs.***

State of Gujarat and Others with *State of Gujarat and Others vs. Ganeshbhai Jakshibhai Bharwad and Others*, reported in *(2010) 12 SCC 254*, two FIRs in respect of the same allegations / incident / incidents are not permissible.

3. Thus, considering the above submissions, issue notice to the respondents returnable on 20-08-2021. The learned APP waives service of notice for respondent No.1 – State.

4. Call record and proceedings.

5. Learned APP to take specific instructions as to how two crimes have been registered in respect of the same incident / incidents / allegations.

(S. G. DIGE, J.)

(V.K. JADHAV, J.)

SVH