

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL APPLICATION NO. 87 OF 2015

NASER PATEL S/O ABDUL WAHED PATEL AND
OTHERS
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr.Kazi S.S.
APP for Respondents/State: Mrs. S.G. Chincholkar.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: FEBRUARY 02, 2015

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Heard.

2 It is contention of the learned Counsel or the applicants that there is delay in lodging FIR. It is further submitted that the MLC report would unequivocally indicate that the complainant suffered injuries in the accident. The complainant himself has stated that he slipped due to accident. He further submits that even, the other witnesses who have seen the incident, have stated that the complainant fell down due to accident. According to the Counsel for the applicants, a false complaint

has been filed by the complainant belatedly. Therefore, he submits that the FIR may be quashed.

3 On the other hand, learned APP appearing for the State, relying on the FIR and medical evidence, would submit that, *prima facie*, it appears that due to assault by the applicants, complainant fell down and it is not a case of accident.

4 On careful perusal of the allegations in the FIR and documents placed on record, it appears that the complainant was hit by hockey stick and as a result, he collapsed from motorcycle and became unconscious. Therefore, delay in lodging FIR cannot be taken as a ground to quash FIR. Apart from that, *prima facie*, medical evidence shows injuries sustained by the complainant. It further appears that MLC was written by a person who took the complainant to the hospital. Therefore, at this stage, FIR is under investigation. In our opinion, no case is made out to invoke inherent jurisdiction under Section 482 of Cr.P.C.

Application stands rejected.

(A.M. BADAR, J)

(S.S. SHINDE, J)