

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

Criminal Application (APL) No. 548 of 2015

Anup Shantikumar (Narsingh) Jain vs. State of Maharashtra and another.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. J.B.Gandhi, Adv. For applicant.

Mr. M.J.Khan, APP for Non-applicant no.1.

CORAM: B.R.GAVAI & PRASANNA B. VARALE, JJ

DATE : 7.9.2015

The applicant has approached this court praying for quashing and setting aside the First Information Report registered vide Crime no. 94 of 2015.

2. The learned counsel for the applicant submits that the First Information Report is lodged by the respondent no.2 at the instance of someone in the village having jealousy and rivalry with the applicant.

3. By now, it is settled principle of law that while considering the prayer for quashing and setting aside the First Information Report, this Court can only look into the allegations made in the First Information report.

4. If the First Information Report discloses the

ingredients, which constitute the offence, it will not be permissible for this Court to quash and set aside the First Information Report.

5. No doubt, if the mala fides are there, that can be considered for invoking jurisdiction under Section 481 of the Cr.P.C.. However, in the present case except bald allegations that the respondent no.2 has lodged First Information Report at the instance of some villagers who have got jealousy and rivalry with the applicant, nothing is placed on record. In that view of the matter, we are not inclined to entertain the present application. The application is rejected.

JUDGE

JUDGE

patle

