

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4153 OF 2016

- 1) Swapnil @ Abhijit s/o Vishnu Deshmukh,
Age-32 years, Occu:Agri.,
- 2) Vishnu s/o Vitthal Ravtale,
Age-45 years, Occu:Agri.,

Both R/o-Koradgaon, Tq-Pathardi,
Dist-Ahmednagar.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Investigation Officer,
Pathardi Police Station,
Tq-Pathardi, Dist-Ahmednagar,
- 2) Laxman s/o Parasram Satpute,
Age-55 years, R/o-Koradgaon,
Tq-Pathardi, Dist-Ahmednagar.

...RESPONDENTS

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Mr.N.B. Narwade Advocate for Applicants.
Mr.M.M. Nerlikar, A.P.P. for Respondent No.1.
Mr.A.G. Ambetkar Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : 24TH OCTOBER, 2016

ORAL ORDER [PER SANGITRAO S. PATIL, J.] :

. Heard the learned counsel appearing for the Applicants, the learned counsel appearing for Respondent No.2 and the learned A.P.P. appearing for State. Perused the contents of the F.I.R. and the documents produced with the Application.

2. From the contents of the F.I.R., it is clear that the alleged incident took place on 24th May 2016 at 9.00 a.m. in front of Maruti Temple where one Balasaheb Laxman Deshmukh, who is not party to this Application, is alleged to have hurled abuses against Respondent No.2 - informant with reference to his caste and also beat the informant. It is alleged that after that incident, the Applicants came near the spot of the incident and instigated the said Balasaheb to beat informant and further hurled abuses against the informant.

3. There is nothing in the F.I.R. to show that after the alleged instigation given by the Applicants, the informant was actually beaten by either the said Balasaheb or anybody else. There is no specific mention as to what particular abuses have been hurled by the Applicants against the informant. The allegations made against the Applicants are very vague and general. As such, no prima facie case is established against the Applicants for the offences alleged in the F.I.R. In the circumstances, in our view, continuation of further proceedings against the Applicants would be nothing but an abuse of process of law. There are no sufficient grounds to initiate criminal proceedings against the Applicants.

4. In this view of the matter, Criminal Application is allowed. The F.I.R. bearing Crime No.0180 of 2016 registered with Pathardi Police Station on 24th May 2016, is quashed and set aside, so far as the present Applicants are

concerned.

5. The Criminal Application is disposed of,
accordingly.

[SANGITRAO S. PATIL, J.]

asb/OCT16

[S.S. SHINDE, J.]