

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2133 OF 2017

SANTOSH LALCHAND SHIVNEKAR AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Applicants : Shri Suryawanshi Surendra V.  
APP for Respondent 1 : Shri Borade P.G.

...  
CORAM : S.S. SHINDE & K. K. SONAWANE, JJ.  
Dated: May 02, 2017  
...

PER COURT :-

1. Heard learned counsel appearing for the applicants and learned APP appearing for respondent No.1.
2. Learned counsel for the applicants submits that even if the allegations in the first information report are taken at its face value and considered / read in its entirety, prima facie alleged offences are not being disclosed. He submits that the first information report is lodged out of a vengeance. Since the first information report was lodged against the informant on the very same day just an hour before the lodging of the first information by the informant. He submits that the entire allegations in the first information report are false and do not make out a case to attract the ingredients of alleged offence and therefore, the first information report deserves to be quashed.
3. On the other hand, learned APP relies upon the allegations in the first information report and submits that the allegations will have to be

read as it is and upon prima facie disclosure of the alleged offences, the Investigating Officer should be allowed to cause the further investigation.

4. Upon hearing the learned counsel for the applicants and learned APP and upon careful perusal of the allegations in the first information report, prima facie, the alleged offence punishable under Section 384 of the Indian Penal Code is disclosed.

5. Contention of the learned counsel appearing for the applicants that the said first information report is lodged out of vengeance and therefore, the same may be quashed, cannot be accepted, when the allegations in the first information report, prima facie, disclose the alleged offence.

6. In that view of the matter, no case is made out for quashing the first information report. Hence, the application is rejected. However, this order will not preclude the applicants from availing an appropriate remedy in the event of filing of the charge sheet by the Investigating Officer.

( K. K. SONAWANE, J. )

( S.S. SHINDE, J. )

...