

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 CRIMINAL APPLICATION NO.1295 OF 2021

YOGESH DADARAO PRADHAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. Ingle Satish P. And Jade Rahul M
APP for Respondent-State: Ms. P.V. Diggikar
.....

**CORAM : V. K. JADHAV AND
S. G. DIGE, JJ.
DATED : 2nd JULY, 2021**

PER COURT:-

1. We have heard learned counsel for the applicants for some time. Learned counsel for the applicants submits that the informant has initially lodged a complaint in respect of the incident occurred on 13.5.2021 at about 3.00 a.m. and on the basis of her complaint, N.C. came to be registered in the concerned police station. However, on the basis of complaint filed by respondent No.2, in respect of the alleged incident occurred on the same day at about 4.00 p.m., present crime came to be registered. Learned counsel submits that respondent No.2 is in habit of filing false complaints.

2. We do not find any substance in this application. It appears from the allegations made in the earlier complaint i.e. N.C. that, at about 3.00 a.m. the applicants went to the house of respondent No.2 and caused damage to the main door of her house with the help of sword. It further appears that on the same day at about 4.00 p.m. the applicants herein

again went to the house of respondent No.2 and extended the beating to her. The present applicant No.1 Yogesh has inflicted a blow of iron rod on the head of complainant and caused bleeding injury to her. It is further alleged in the complaint that the applicants have forcibly taken away cash amount and golden ornaments from the house of the informant. They have caused damage to the main door of the house of informant and to other household articles.

3. It is well settled that power of quashing of criminal proceeding should be exercised very sparingly and with circumspection and that too in a rarest of rare case; that the court will not be justified in embarking upon the inquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R. At this stage, we are not supposed to make inquiry as to whether respondent No.2 is in habit of filing such complaints. We do not find any substance in this criminal application. Criminal application is hereby rejected.

(S. G. DIGE, J.)

(V. K. JADHAV, J.)

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