

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

CRIMINAL APPLICATION (APL) NO. 944 OF 2021

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| <ol style="list-style-type: none">1. Pravin Vasant Rao Lahe
Aged about 43 years, Occ. Agriculturist,2. Sou. Jaishree @ Arpita Pravin Lahe,
Aged about 30 years, Occ. Household,3. Vasant Rao Shesh Rao Lahe,
Aged about 69 years, Occ. Agriculturist4. Sou. Shobha Vasant Rao Lahe,
Aged about 63 years, Occ. Household
All R/o Badshivani, Tah. Karanja,
District Washim | } | <u>.. APPLICANTS</u> |
|--|---|-----------------------------|

Versus

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|---|---|------------------------------|
| <ol style="list-style-type: none">1. State of Maharashtra, through Police
Station Officer, Police Station, Karanja
(Rural), Tah. Karanja, District Washim2. Sou. Maya Rajendra Lahe,
Aged 55 years, Occ. Agriculturist,
R/o Badshivani, Tah. Karanja
District Washim | } | <u>.. RESPONDENTS</u> |
|---|---|------------------------------|

Mr. S.D. Chande, Advocate for applicants
Mr. T.A. Mirza, A.P.P. for non-applicant / State
Mr. Amit Band, Advocate for the non-applicant No.2

**CORAM: V.M. DESHPANDE, &
 AMIT B. BORKAR, JJ.**

DATE : SEPTEMBER 21, 2021

JUDGMENT : (Per : Amit B. Borkar, J.)

Heard. **Rule.** Rule made returnable forthwith.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicants are challenging registration of First Information Report No. 57/2021, dated 06/03/2021 for offences punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal code.

3. The First Information Report came to be registered against the applicants with the accusations that on 06/03/2021, around 11:00 AM the applicant No.1 assaulted non-applicant No.2 by iron shovels on her head, with the result blood started oozing from the head of non-applicant No.2 and remaining applicants assaulted the non-applicant No.2 with stones and the applicant No.2 assaulted the non-applicant No.2 with iron rod. The non-applicant No.2 therefore, lodged First Information Report with Police Station.

4. The applicants have challenged registration of First

Information Report by filing present application.

5. There was cross complaint filed by the applicants against the non-applicant No.2 and others under Sections 354, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code arising out of the same incident.

6. It is pertinent to note that the First Information Report of the non-applicant No.2 herein has been received by Police Station at 18:27 Hrs. on 06/03/2021 and the report of the applicants was received by the non-applicant No.1 – Police Station on 21:02 Hrs. on 06/03/2021.

7. We have carefully considered the allegations in the First Information Report and the case diary produced by the learned APP. The case diary contains injury certificate issued by the Rural Hospital, Karanja, which shows that the non-applicant No.2 had head injury at frontal side. It is stated that the injury is caused by sharp and blunt object. We have also perused the statements recorded by the investigating agency, which *prima*

facie implicates the applicants. On careful consideration of the First Information Report, we are satisfied that the allegations in the First Information Report along with injury certificate in the case papers, it is *prima facie* sufficient to constitute offence alleged against the applicants. At its threshold, the investigation cannot be throttled at the instance of the applicants as in our considered view the investigating agency needs to be given an opportunity to conduct investigation into the matter. At this stage, we cannot enter into arena of falsity or correctness of the allegations made against the applicants. We are therefore of the view that the applicants have failed to make out a case of quashing the First Information Report against them. There is no merit in the application. Accordingly, the application is **dismissed**.

8. Rule is discharged.

JUDGE

JUDGE

MP Deshpande