

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CRIMINAL APPLICATION NO. 1202 OF 2022

BARIKRAO RAGHUNATH TONDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Kawade Shrikant G.
APP for Respondent-State : Mr. S D Ghayal

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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 20 DECEMBER 2022

PER COURT :-

1. Heard learned Advocate for the applicant.
2. Learned APP opposes the application. There is no necessity to issue notice to respondent no.2.
3. With the help of learned Advocate for the applicant, we have gone through the contents of the FIR. It has been tried to be submitted on behalf of the applicant that due to enmity between brother of the informant and the applicant, the applicant has been arraigned. It is also submitted that, the contents of the FIR are not true and story is unbelievable.

4. In an application under section 482 of Cr.P.C. we are required to consider the contents of the FIR prima facie and if it is making out any offence, then the question of quashing does not arise. As regards enmity is concerned, it is for the applicant to prove the same at the time of the trial and nothing has been attached to show that the enmity between the brother of the informant and the applicant to such an extent. Case is not made out to exercise the inherent powers. Application stands rejected.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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aaa/-