

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

15 CRIMINAL APPLICATION NO.1670 OF 2021

DATTA SAHEBRAO INGOLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S.C. Bhosle, Advocate for the applicants.
Mr. R.V. Dasalkar, A.P.P. for respondent No. 1.

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CORAM : **V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 03-01-2022.

ORDER :

1. Learned Counsel for the applicants submits that one of the family members of the applicants has lodged complaint against the informant and seven others for having committed offences punishable under Sections 143, 147, 324, 323 of the Indian Penal Code and on the basis of the said complaint, Crime No. 38/2020 came to be registered in the concerned police station. Learned Counsel for the applicants submits that in order to counter blast the said complaint, the present complaint is filed and on the basis of which Crime No. 56/2021 came to be registered. Learned Counsel submits that the applicants have been falsely implicated in connection with the present crime.

2. We are not inclined to entertain this criminal application seeking quashing of the First Information Report (for short "F.I.R.") for the reasons that the earlier F.I.R. bearing Crime No. 38/2020

came to be registered in the year 2020 and the incident which is the subject-matter of the present F.I.R. has taken place on 28.03.2021. Even assuming that this complaint is filed as counter blast to the earlier complaint, however, it is for the Court below to try both the cases with quick succession and pass appropriate orders at the conclusion of the trial.

3. It is well settled that the powers under Section 482 of the Code of Criminal Procedure (for short "Cr.P.C.") are required to be exercised sparingly with circumspection. In the instant case, names of the applicants are mentioned in the F.I.R. with specific role attributed to each of them. While exercising the powers under Section 482 of Cr.P.C. the Court is not supposed to conduct a mini trial and to find out as to whether the allegations made in the complaint are truthful or not. It is open for the applicants to file an application at the appropriate stage before the trial Court for discharge, if the case is made out. However, no case is made out for quashing. Hence, the following order.

ORDER

Criminal Application is hereby rejected.

(SANDIPKUMAR C. MORE, J.)

(V.K. JADHAV, J.)

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