

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.153 OF 2023

DEEPAK BAPURAO ROKADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. N. L. Jadhav, Advocate for the Petitioners.
Mr. M. M. Nerlikar, APP, for the Respondent – State.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : MARCH 01, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.
2. This is a Petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C. to quash FIR No. 203/2022 registered with Wadwani Police Station for the offences punishable under Sections 307, 323, 504 read with Section 34 of the IPC.
3. Learned Counsel for the Petitioners state that he is restricting his relief to prayer clause 'C' whereby he has sought to quash registration of crime under Section 307 of IPC.
4. We have perused the records and considered the

submissions advanced by the learned Counsel for the respective parties.

5. The aforesaid crime was registered pursuant to the FIR lodged by the Respondent No. 3. A perusal of the FIR reveals that the Petitioners owed certain money to the Respondent No. 3. On 23.09.2022 he went to the house of the Petitioner no. 2 to demand the money. He claims that, both the Petitioners were present. When he asked them to repay Rs. 3 lakhs, they abused him and Petitioner No. 2 went inside the house and came out with an axe and inflicted a blow on his head. Respondent No. 3 alleged that he sustained grievous injury and fell on the ground. He states that the Petitioner No. 1 assaulted him with leather belt. Respondent No. 3 was thereafter taken to the Government Hospital at Wadwani where first aid was given and thereafter he was referred to the Government Hospital at Beed.

6. The FIR *prima facie* reveals that the Petitioners herein were involved in inflicting injuries on the Respondent No. 3 by means of a dangerous weapon. The investigation is still in progress and this is not

a stage where it can be concluded that the Petitioners are not involved in commission of offence under Section 307 IPC. Even otherwise, on fling the charge-sheet, the Court will have to look into the material collected in the course of the investigation and decide whether there are sufficient grounds to frame charge under Section 307 IPC or any other minor offences. Under the circumstances, in our considered view, this is not a fit case to exercise inherent powers of this Court under Section 482 of Cr.P.C and scuttle the prosecution at initial stage.

7. In the result, the Petition has no merits and is accordingly dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)