



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2560 OF 2023

**YOGESH LAXMAN PANDAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicants : Mr. Narayan B. Narwade
APP for Respondent – State : Mr. A.R. Kale
Advocate for Respondent No.2 : Mr. R.C. Bramhankar
(appointed)
...

**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 06th DECEMBER, 2023

PER COURT :

1. Heard.
2. This is an application for quashing of the FIR bearing Crime No.742/2023, registered with Newasa Police Station, Ahmednagar, for the offence punishable under Sections 504 and 506 of the Indian Penal Code and Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and the charge-sheet in Special Case No.240/2023, pending before the Sessions Court, Newasa, Ahmednagar.
3. It is stated in the FIR that applicant used to abuse the informant and make sound of something to threaten him. On 05/07/2023, at about 06:15 p.m., when informant was returning to

his house from work, at Kazi Nala, Newasa, applicant accompanied by one unknown person saw the informant and abused and threatened him by making sound of something.

4. Learned advocate for applicant would submit that only with a view to harass the applicant present FIR has been filed. He therefore, prays for quashing of the FIR and the charge-sheet therein.

5. Learned advocate appointed for respondent No.2 informant would submit that there is history of quarrel between the applicant and informant. Crimes have been registered against applicant's family. According to him, although the abusive words have not been narrated in the FIR, those can be testified by the informant in his evidence and it is not the case of no material to proceed against applicant. He, therefore, urge for rejection of the application.

6. Close reading of the averments in the FIR undoubtedly lead us to observe that no offence as alleged by the informant is committed by the applicant. No abusive words are quoted in the FIR or the manner in which informant was threatened by the applicant has not been narrated therein. The one with whom informant was working has lodged FIR against family members of the applicant herein and in that matter, applicant was

granted anticipatory bail. The present informant was said to be one of the witnesses in the said case. It is stated that informant was threatened and abused only because he is witness in that case. According to us, application deserves to be allowed.

7. Application is therefore, allowed in terms of prayer clause 'B' and 'B-1'.

8. Fees of the learned advocate appointed to represent respondent No.2 informant is quantified at Rs.8,000/-, to be paid by the High Court Legal Services, Sub-Committee, Aurangabad.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)