

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3884 OF 2022

SHAIKH AKEEL SHAIKH BABULAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Shaikh Ashraf Patel, Advocate for the Applicants.
Mr. P.G. Borade, APP, for the Respondent – State.

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

DATE : JANUARY 18, 2023

PER COURT :

1. With consent, heard finally at the stage of admission.
2. By this application, the applicants have sought to quash crime no. 576/2022 dated 31.10.2022 registered at Bhokardan Police Station, Jalna for the offences punishable under Sections 325, 324, 323,504 and 34 of the Indian Penal Code.
3. Learned Counsel for the Applicants states that there is considerable delay in lodging the FIR and FIR is nothing but a counter blast to the FIR lodged by brother of the applicant nos. 1 to 3 against owner of the car involved in the accident.

4. We have perused the records and considered the submissions advanced by learned Counsel for respective parties.

5. The aforesaid crime was registered pursuant to the first information report lodged by Respondent no. 2. A perusal of the report reveals that on 25.10.2022 the Respondent no. 2 was proceeding from Pune to Aurangabad by car no. MH-20-BY-7479. He has stated that on 10.15 pm one car no. MH-20-FP-2511 came from the opposite direction and gave dash to his car. He further states that four persons got down from the said car and abused and assaulted him and his mother with kicks blows and belt. He has stated that one of the person assaulted his mother, as a result, she had sustained fracture on his right hand. He has identified the applicants as the person involved in abusing and assaulting him and his mother.

p6. The FIR *prima facie* reveals commission of cognizable offence. Investigation is still at the preliminary stage. The first information report cannot be quashed solely on the ground that there is delay in lodging the FIR. Needless to state that delay in

lodging the FIR can always be explained and the Respondent No. 2 has otherwise explained the same in the first information report by stating that his mother had to undergo an operation because of the injuries sustained in the said incident. The investigation cannot be scuttled at the threshold on an assumption that the accusations in the first information report are false or malicious in view of the complaint lodged by the brother of the applicant. The application is absolutely devoid of any merits. Hence, the application is dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)