

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 758 OF 2022

APPLICANT:

Subhash Shivba Jadhav,
Aged about : 75 years,
Occupation - Agriculturist,
R/o Gobhani, Tah. Risod,
District - Washim.

V E R S U S

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Risod, Tah. Risod,
District Washim.
2. Shubham @ Abhishekh Jadhav,
Aged about 22 years,
R/o Sadashiv Nagar, Risod,
Tah. Risod, District - Washim.

WITH

CRIMINAL APPLICATION (APL) NO. 759 OF 2022

APPLICANT:

Sau. Kusum w/o Subhash Jadhav,
Aged about 48 years,
Occupation - Housewife,
R/o Gobhani, Tah. Risod,
District - Washim - 444504.

V E R S U S

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Risod, Tah. Risod,
District Washim.
2. Shubham @ Abhishekh s/o
Prabhakar Jadhav,
Aged about 22 years,
R/o Sadashiv Nagar, Risod,
Tah. Risod, District - Washim.

WITH
CRIMINAL APPLICATION (APL) NO. 760 OF 2022

APPLICANT: Ganesh s/o Subhash Jadhav,
Aged about 29 years,
Occupation - Education
R/o Gobhani, Tah. Risod,
District - Washim.

VERSUS

RESPONDENTS :

1. State of Maharashtra
Through Police Station Officer,
Police Station, Risod, Tah. Risod,
District Washim.
2. Shubham @ Abhishekh s/o
Prabhakar Jadhav,
Aged about 22 years,
R/o Sadashiv Nagar, Risod,
Tah. Risod, District - Washim.

Mrs. D. I. Charlewar, Advocate (Appointed) for applicants.
Shri V. A. Thakare, A. P. P. for respondent No.1.

CORAM:- VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.
DATED : 13/06/2023.

ORAL JUDGMENT : (PER VINAY JOSHI, J.) :

1. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. All these applications are arising out of Crime No.597/2021 registered with Police Station Risod, Dist. Washim for the offences punishable under Sections 307, 326 and 506 r/w Section 34 of the Indian Penal Code.

3. Three accused of the crime namely; Subhash Shivba Jadhav, Sau. Kusum w/o Subhash Jadhav and Ganesh s/o Subhash Jadhav have applied for quashing on account of false implication and inadequacy of material. It is argued that the existing FIR is outcome of earlier FIR lodged by informant party on 26/07/2021. According to the applicants, in fact, in the concerned incident, they sustained injuries for which injury reports have been produced. According to the applicants, at the behest of informant party, they have been falsely implicated. The State resisted by submitting that these are two counter cases wherein both sides got injured, unless entire material comes before the Trial Court, it cannot be ascertained as to who was aggressor. Learned APP took us through the statement of injured Shubham Jadhav as well as another injured Kamal Jadhav to contend that there are specific allegations against the applicants.

4. With the assistance of both sides, we have gone through the statements. On careful examination, we see that the informant Subham @ Abhishekh s/o Prabhakar Jadhav has specifically stated about the presence of three applicants on the spot with arms. He stated that on 25/07/2021 at around 11.30 a.m. to 12.00 noon, they arrived in the agricultural land and assaulted them by means of wooden stick, causing them bleeding injury. Similar is the

statement of another witness who equally stated about his specific role and conduct. We have gone through the injury report which discloses that Subham Jadhav sustained incised wound while Kamal Jadhav sustained incised wound with a fracture. Thus, at the threshold, it cannot be said that it is a case of false implication. Though the FIR has been belatedly lodged, it emerges that out of the same incident, two FIRs have been lodged. Particularly soon after the occurrence, both injured were admitted in the hospital and thus, it is matter of appreciation in trial. However, we are of the considered view that prima facie material exists against the applicants and therefore, we are not inclined to exercise our inherent jurisdiction. In view of that, all these applications stand dismissed.

5. The fees of appointed counsel be quantified, as per the Rules.

6. The applications pending, if any, stand disposed of accordingly.

[VALMIKI SA MENEZES, J.]

[VINAY JOSHI, J.]