

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

Criminal Application (APL) No.846/2023

Harish and others V State of Maharashtra and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. C.G. Barapatre, Advocate for applicants.

Mr. N.R. Rode, APP for non-applicant no.1.

CORAM : Vinay Joshi & Valmiki Sa Menezes, JJ.

DATE : 07-07-2023

Heard.

2. This is an application seeking to quash the FIR in Crime No.0245/2023, Police Station Ner Parsopant, District Yavatmal for the offences punishable under Sections 324, 506 read with section 34 of the Indian Penal Code.

3. It is the applicants' case that in concerned incident occurred in the morning on 11-04-2023, the informant party was aggressive who tried to commit murder of applicant no.1-Harish for which a report has been lodged. On the basis of said report, the Police have registered Crime vide Cr. No.261/2023 for the offences punishable under Sections 307, 323, 504, 506 read with section 34 of the IPC. It is informed that in said crime,

yet the Police have not filed the charge-sheet.

4. It is apparent that both the crimes have been registered on the basis of same incident occurred on 11-04-2023 in the morning. In view of that it is natural that those being a counter cases have to be tried before the same Judge. However, in another crime No.261/2023 charge-sheet has not been filed. Since they are counter cases generally one of the proceedings cannot be quashed as the trial Court would be deprived in finding as to who was the aggressor.

5. In view of that, the trial Court is directed to not to proceed with the criminal case arising out of crime No.245/2023 bearing RCC No.80/2023 in isolation. This case shall be tried along with the charge-sheet which may be filed relating to counter FIR bearing crime No.261/2023. The applicant shall produce a copy of charge-sheet in crime no.245/2023 as and when filed before the trial Court who shall pass appropriate order for trial of both the cases by the same Judge. In case the Police filed summary in another crime, then the trial Court may proceed with the existing trial.

6. Application stands disposed in above terms.

JUDGE

JUDGE

Deshmukh