



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

CRIMINAL APPLICATION [APPP] NO. 1444/2023
IN CRIMINAL APPLICATION [APL] NO. 766/2022.

Babanrao Rustamrao Sangale and another.

-VERSUS-

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

None for Applicants.

Ms.S. Haider, A.P.P. for he Non-applicant No.1.

Shri A.N. Darunde, Advocate h/f. Ms M. Sharma, Advocate
for Non-applicant No.2.

CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.

DATE : NOVEMBER 02, 2023.

Heard.

2. This an application moved by the non-applicant no.2 / victim for speaking to minutes. The learned Counsel appearing for non-applicant no.2 would submit that certain observations made by this Court in paragraph no.11 of the judgment dated 07.07.2023 has caused the accused to issue legal notice seeking compensation, and therefore, said part of the order needs to be deleted.

3. Initially at the instance of the victim a crime came to be registered against original applicant nos. 1 and 2. Being aggrieved by the same, applicants have approached this Court vide Criminal Application No.766/2022 for quashing of the first information report. The said application was heard on merits and came to be allowed, resulting into quashing of the first information report bearing Crime No.295/2022. While deciding said application, this Court has in paragraph no.11 has observed as “.. *it reveals that vague and general allegations are levelled by the informant against the applicants*”. In consequence of such observations, the original applicants have chosen to issue a legal notice to the victim claiming an amount of Rs.5 Crores towards compensation for lodging frivolous report.

4. As a matter of fact, while concluding that there was no prima facie material to proceed with the case, above observations were recorded. It does not mean that we have held that the first information report was false or frivolous. It is a

matter of appreciation before the competent Court to decide the case independently, if legal action is taken by applicants. However, a part of the reasoning of this Court cannot be deleted. Hence, application is disposed of.

JUDGE

JUDGE