



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 166 OF 2021**

1. Pradip s/o Suresh Bahirat,
Age 30 years, Occu. Agriculture,
2. Mirabai w/o Shankar kadam
Age-45 years, Occu. Household,
3. Suresh s/o Bhanudas Bahirat,
Age-52 years, Occu. Agri,
4. Yamunabai w/o Suresh Bahirat,
Age-55 years, Occu. Agri,
5. Babasaheb s/o Bhanudas Bahirat,
Age-59 years, Occu. Agri.,
6. Dyaneshwar s/o Babasaheb Bahirat
Age: 40, Occu.Agri
7. Sandip s/o Babasaheb Bahirat
Age: 30 years, Occu. Service
All R/o Ghogargaon, Taluka: Newasa
District: Ahmednagar

..Applicants

Versus

1. The State of Maharashtra,
Through: Police Station Officer,
Police Station Newasa,
Tq. Newasa, Dist. Ahmednagar.
2. Sonali w/o Ganesh Bahirat,
Age-25 years, Occu. Household,
R/o Ghogargaon, Tal: Newasa
District- Ahmednagar

..Respondents

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Mr. Manoj A. Dond, Advocate for Applicants.

Mr. G. A. Kulkarni, APP for Respondent-State.

Mr. Ramrao G. Nirmal, Advocate for Respondent No.2 (appointed).

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 01st OCTOBER, 2024.

P.C.

1. The present application has been filed under Section 482 of the Criminal Procedure Code for quashing FIR in Crime No.I-

0930/2019 registered with Newasa Police Station, Tal. Newasa, Dist. Ahmednagar for offences punishable under Sections 307, 504 r/w 34 of the Indian Penal Code as well as consequential criminal proceeding in RCC No.262/2021.

2. Heard Mr. Dond, learned Advocate for the applicants, Mr. Kulkarni, learned APP for respondent no.1 and Mr. Nirmal, learned Advocate for respondent no.2.

3. It has been vehemently submitted on behalf of the applicants that FIR is exaggerated version and some of the applicants are in fact distantly related. They were not concerned with the internal affairs of family of informant. The material in the charge-sheet is not sufficient to attract ingredients of the offences and, therefore, it would be unjust to ask applicants to face trial.

4. Per contra, learned APP as well as learned Advocate appointed to represent the cause of respondent no.2 strongly oppose the application and submit that there is sufficient material on record. The case has been committed to the Court of Sessions for trial, after learned Judicial Magistrate First Class had issued process under Sections 307, 504, 201 r/w 34 of the Indian Penal Code.

5. Perusal of FIR would show that incident is stated to have been taken place on 28.11.2020 between 02.00 to 02.30 pm. However, FIR has been lodged on 02.12.2020. The learned APP submits that there is record in the police papers to indicate that when the police officer had gone to hospital where informant was admitted, at that time informant was not in a position to give statement. After she was declared fit to give statement on 02.12.2020, the FIR has been taken. Therefore, there appears to be

element to explain delay at the time of trial. The FIR as well as statements of witnesses recorded under Section 161 of the Criminal Procedure Code as well as informant's statement recorded under Section 164 of the Criminal Procedure Code show that role has been attributed to each of the applicant. There are medical certificates on record, so also it appears that muddemal has been sent for Chemical Analysis. That Chemical Analysis report appears to have not been received up till now. That fact can be then supported.

6. With the limited scope in application under Section 482 of the Criminal Procedure Code, we do not find this is to be a fit case where we can exercise our inherent powers under Section 482 of the Criminal Procedure Code.

7. The learned Advocate for the applicants has drawn our attention to the affidavit filed by the informant in Bail Application stating that while giving no objection she had stated that there were talks of settlement. We do not want to take cognizance of the same, as no settlement appears to have been finalized.

8. Criminal Application stands rejected.

9. Fees of learned Advocate appointed to represent respondent no.2 is quantified at Rs.7000/- to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE