



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 500 OF 2023**

1. Prakash Trimbak Karkar,  
Age : 35 Years, Occ. Agriculture
  2. Kiran Dilip Sangade,  
Age : 33 Years, Occ. Business,
- Both Resident of Village Jawala Ni.,  
Tal. Paranda, District Osmanabad. .. Applicants

**VERSUS**

1. The State of Maharashtra,  
Through its Police Inspector,  
Paranda Police Station,  
Tal. Paranda, Dist. Osmanabad.
2. Shital Tanaji Waghmare,  
Age : 33 Years, Occ. Household/Sarpanch,  
R/o. Village Jawala Ni.,  
Tal. Paranda, Dist. Osmanabad. .. Respondents

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Advocate for the applicants : Mr. C. V. Thombre  
A.P.P for Respondent No.1 : Mr. G. A. Kulkarni  
Advocate for Respondent No.2 :Mr. G. J. Kore

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**CORAM : SMT. VIBHA KANKANWADI AND  
ROHIT. W. JOSHI, JJ.**

**DATED : DECEMBER 06, 2024**

**ORDER:-**

1. Present application has been filed under Section 482 of the Code of Criminal Procedure initially for quashing of FIR vide C.R. No. 373 of 2022 registered with Paranda Police Station, Taluka Paranda District Osmanabad and later on by way of amendment the

proceeding in Regular Criminal Case No. 25 of 2023 pending before the learned Joint Civil Judge Junior Division and JMFC Paranda Taluka Paranda, District Osmanabad.

2. Heard learned Advocate for the applicants, learned A.PP and learned Advocate for Respondent No.2.

3. We have perused the contents of the First Information Report as well as the charge sheet. At the outset we would like to say that in respect of the First Information Report under question, *prima facie* it is supported by the statement of witnesses. No doubt witness Tanaji Waghmare appears to be husband of the informant. However, as regards other witnesses, namely Ramesh Karkar, Dharmendra Sangde, Ganesh Karkar, Manjoor Mulani they claimed that they were present at the time of incident and have witnessed the incident.

4. The submission on behalf of the applicant is that there is delay in lodging the First Information Report. The incident is stated to have taken place around 12.30 to 1.00 p.m. on 19.12.2022 whereas the First Information Report came to be registered at 23.28 hours of 20.12.2022. The delay has not been explained. The present applicant No.1 had lodged First Information Report vide C.R. No. 372 of 2022 with the same police station around 23.31 hours on 19.12.2022 for the offence punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506 of the Indian Penal Code and therefore in order to give a

counter blast to this First Information Report, offence has been registered against them. It is also stated that since respondent no.2/informant is a Sarpanch and they have made complaint regarding misappropriation against informant who is in fact carrying out the activities of the Gram Panchayat through her husband by way of mala fide they have been implicated.

5. The first and foremost fact is that, delay can be explained at any point of time and that cannot be sole ground on which the First Information Report can be quashed and set aside. Further, when a case is made out for the cross-complaint, then facts becomes disputed and therefore it will not be within the purview of Section 482 of the Code of Criminal Procedure to exercise the jurisdiction. The mala fides or false implication is then required to be proved by the applicants at the time of trial and therefore, we are of the opinion that case is not made out for exercise of powers under Section 482 of the Code of Criminal Procedure.

6. Application stands rejected.

**(ROHIT W. JOSHI)**  
**JUDGE**

**(SMT. VIBHA KANKANWADI )**  
**JUDGE**

*Y.S. Kulkarni*