



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

CRIMINAL APPLICATION NO. 805 OF 2024

1. Dr. Siddharth S/o. Pandurangrao Bhalerao

2. Randhir S/o. Pandurangrao BhaleraoPetitioners

Versus

1. The State of Maharashtra.

3. Sandeep S/o. Bhagwanrao Gadade.Respondents

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Advocate for Petitioners : Mr. J.M. Murkute

APP for Respondent No. 1 : Mr. M.M. Nerlikar

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 21 MARCH 2024

FINAL ORDER (PER : SHAILESH P. BRAHME, J.) :

1. Heard learned counsel for the applicants.

2. Applicants are seeking quashment of FIR No. 188 of 2022 registered with Gangakhed Police Station, Taluka Gangakhed, District Parbhani, for the offence punishable under Section 336 read with 34 of the Indian Penal Code and under Section 3, 25 of the Arms Act.

3. It is alleged that both the applicants participated in the procession for celebrating birth anniversary at Dr. Babasaheb Ambedkar

in Gangakhed on 30.04.2022. Applicant no. 1 was having a revolver and applicant no. 2 was having a rifle. Third unknown person was also having a revolver. Both the applicants tried to fire in the air but unable to do so. Whereas, third unknown person fired two rounds of bullets from his revolver. It is further alleged that in the procession number of persons participated and due to the reckless firing, they got frightened.

4. Learned counsel submits that no case is made out against the applicants. The act alleged against them cannot be said to be rash and negligent act to endanger human life. He further submits that the applicants did not fire and in fact third unknown person fired. It is being submitted that they are falsely implicated in the offence and it is an abuse of process of law.

5. We have gone through the FIR wherein specific allegations are made against both the applicants. Both the applicants were having fire arms. It is not a case of the applicants that they have been holding requisite licence for possessing the fire arm. It is further evident that they were in the procession where there was a huge mob. There was a reckless firing. The safety of number of persons present in the procession was at stake. *Prima facie*, there is a room to infer that applicants and the co-accused were carrying weapons with common intention.

6. We are of the considered view that an investigation is necessary in pursuance of the impugned FIR. No case is made out to quash it. Ingredients for the offences can be made out against the applicants.

7. Criminal Application is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]