



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2362 OF 2024

Devrao @ Madhav S/o. Prakash Jadhav,
Age : 40 years, Occu. : Agri.,
R/o. Bori Shikari, Tq. & Dist. Hingoli,
Mob. No. 7770069457

... Applicant.

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Hingoli.
2. The Investigating Officer,
Police Station, Basamba,
Tq. & Dist. Hingoli.
3. Namdeo S/o. Vishwanath Bengal,
Age : 38 years, Occu. : Agril.,
R/o. Bori Shikari, Tq. & Dist. Hingoli.
At present Civil Hospital,
Government Quarter,
Hingoli, Tq. & Dist. Hingoli.

... Respondents.

...
Mr. Dhananjay M. Shinde, Advocate for Applicant.
Mr. A. M. Phule, APP for Respondents – State.
...

**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 13th AUGUST, 2024

ORDER (PER ABHAY S. WAGHWASE, J.) :

1. By invoking powers under section 482 of the Code of Criminal Procedure, applicant herein is seeking quashment of FIR

registered at Basamba Police Station, Taluka and District Hingoli bearing No.0025 of 2024 for offence punishable under sections 143, 147, 148, 149, 307, 324, 323, 341, 427, 504 and 506 of Indian Penal Code (IPC).

2. In support of relief learned counsel for applicant pointed out that, applicant is not named in the FIR. That, no role is attributed to him, but still he has been implicated. That, it is apparently false and afterthought report against applicant. That, applicant has already obtained anticipatory bail from the Court of Additional Sessions Judge, Hingoli. Therefore, when there is false implication, according to learned counsel, making him face trial with evidence of such nature, would inflict injustice and hence he prays for quashing the FIR.

3. Learned APP for the State opposed the application on the ground that offence is serious. That, there are allegations of use of deadly weapons including sickle and rods. Considering the serious nature of the offence, he resisted the application and the relief.

4. Heard. We have gone through the FIR dated 31.01.2024 registered with Basamba Police Station for above offences. Informant Namdeo Vishwanath Bengal has alleged that on 31.01.2024 around 1:30 p.m. when he and one Vilas Bengal were having tea, they received call

from Vinod Bengal informing that Pravin Jadhav, Om Garad and other 10 to 15 persons are beating him. On getting such information they rushed to the spot, but no one was found there. Therefore, they decided to return. While returning, when they were in the vicinity of field of one Ashok Haran, at that time, Pravin Jadhav, Om Garad, Gajanan Kalyankar, Shaikh Taufik, Shaikh Sohail, Shaikh Usman and other 10 to 12 persons intercepted them, abused them and threatened to kill and there are allegations of assault on both, Vilas Bengal and himself, by means of sickle, sticks and rod. Damage was also caused to the motorcycle. Though applicant is not named, there are allegations that above named persons along with 10 to 15 persons jointly mounted assault. This is too early or premature stage to draw any inference. FIR is not encyclopedia and therefore details may not be spelt out. Investigation is in progress and role of applicant has cropped up.

5. With above nature of allegations, this court does not find it a fit case to exercise powers under section 482 of Cr.P.C. to quash and set aside the FIR.

6. Accordingly, the criminal application stands rejected.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)