



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO.3578 OF 2024

Ganesh Dyandev Bhagat,
Age 47 yrs., Occ. Agri.,
R/o Maliwasti, Newasa (Kh),
Tq. Newasa, Dist. Ahmednagar.

... Applicant

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Newasa Police Station, Newasa,
Dist. Ahmednagar.
- 2 Anil Jairam Pandure,
Age 35 yrs., Occ. Agri.,
R/o Narayanwadi Road,
Pandure Vasti, Newasa (Kh),
Tq. Newasa, Dist. Ahmednagar.

... Respondents

...

Mr. A.U. Peche, Advocate for applicant

Mr. A.M. Phule, APP for respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.

DATE : 20th AUGUST, 2024

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashing Summary Criminal Case No.26/2024 arising out of First Information Report vide Crime No.110/2024 registered with Newasa Police Station, Dist. Ahmednagar against the applicant, for the offence punishable under Sections 307, 326, 324, 504, 143, 147, 148, 149, 427 and 201 of the Indian Penal Code, 1860. The said First Information Report came to be lodged by respondent No.2.

2 Heard learned Advocate Mr. A.U. Peche for the applicant and learned APP Mr. A.M. Phule for respondent No.1. It is not even necessary to issue notice to respondent No.2.

3 It has been vehemently submitted on behalf of applicant that respondent No.2 lodged First Information Report alleging that other accused (except the present applicant) armed with tommy, stick and rod had threatened him in chorus to leave the place around 3.00 a.m. on 01.02.2024, when he was supplying water to wheat crop in his field. They asked that he should not cultivate the land. They damaged the bore well pipe and left the place. Thereafter, at about 1.00 p.m. when the informant, his father, brothers and mother were inspecting the damaged bore in the field, at that time all the accused once again came with the arm, threatened once again and

assaulted the informant by iron rod on his head, both the legs. Role is attributed to all the accused persons and it is submitted that the informant and his family members had received severe injuries. In fact, name of applicant was not disclosed at the time of lodging First Information Report. Name of applicant came to be included by way of supplementary statement after almost three months, which is afterthought. In fact, the applicant was helping accused persons, who were his relatives, in getting bail. There is absolutely no evidence against the applicant. All eye witnesses and injured have not attributed any role to the applicant.

4 At the outset, it is to be noted that now the charge sheet is filed and, therefore, we are constrained to consider as to what material is against the present applicant. It will not be appropriate for us to go into the appreciation part without there being a trial. No doubt, name of the present applicant was not disclosed in the First Information Report, but came to be disclosed in the supplementary statement, which is stated to be recorded three months after the First Information Report. However, some reason is tried to be put forth afterthought. Whether that reason is sufficient or not will be considered by the Trial Court. The applicant has opportunity to cross-examine witnesses and bring it on record that his involvement is by way of afterthought, but as on today, as regards the involvement of the applicant is

concerned, it is coming by way of supplementary statement. Informant and his family members have received severe injuries. The incident appears to be the outcome of a property dispute. Under such circumstance, no case is made out for exercising inherent powers under Section 482 of the Code of Criminal Procedure. Therefore, application stands rejected at the threshold.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

agd