

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 254 OF 2024**

Tejas Kundan Waghmare

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Nandu Pawar a/w. Mr. Nikhil Wadikar & Mr. Parth Katira for Applicant.

Mr. V.N. Sagare, A.P.P. for Respondent-State.

Police Havaldar-Mr. Palke, Paud Police Station, Pune Rural, present.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.****DATE : 12th August 2024.****P.C. :**

1) By the present Application under Section 482 of Cr.P.C., the Applicant, prime accused in C.R. No. 15 of 2024, dated 9th January 2024 registered with Paud Police Station, Pune Rural, under Sections 452, 323, 504, 506, 143, 147, 148 and 149 of I.P.C., has prayed for quashing of the said crime.

2) Heard Mr. Pawar, learned Advocate appearing for the Applicant and Mr. Sagare, learned A.P.P. for Respondent-State. Perused record produced before us.

3) At the outset, Mr. Sagare, learned A.P.P. on the instructions from Police Havaldar Mr. Palke, attached to Paud Police Station, Pune Rural, submitted that, since the date of lodgment of present crime, the Applicant is

reported to be absconding and is not traceable. That, the Applicant is a habitual offender and three other crimes are also registered against him.

4) Be that as it may.

We have considered the case of the Applicant.

We have perused the F.I.R.. The informant in his Report has stated that, on 9th January 2024, at about 04.30 p.m., the Applicant along with five unknown persons barged into his house, abused him in filthy language and started assaulted him with hands. When his wife, namely, Smt. Komal and sister-in-law Smt. Rutuja Shinde tried to pacify the Applicant, he also abused them in filthy language and threatened them. At that time, two unknown persons accompanied the Applicant, broke the television set from the house of the informant and also caused damage to the tree pots and broke the door of cattle shed with sticks and iron rods. In this brief premise, present crime is registered.

4) Perusal of record of investigation *prima facie* indicates that, the police immediately conducted scene of offence panchanama on 9th January 2024 itself. The contents of panchnama duly corroborate the version of the first informant. The panch witnesses found the television set from the house of the complainant and the door of cattle shed broken. There are two other eye witnesses to the incident, namely, Smt. Komal Dyaneshwar Shinde and Smt. Rutuja Aakash Shinde. Thus, the allegations made against the Applicant and other accused persons are duly corroborated by the witnesses.

5) We find that, the prosecution has made out a strong *prima facie* case against the Applicant and therefore this is not a fit case to exercise inherent jurisdiction under Section 482 of Cr. P.C. by this Court for quashing of the said crime.

6) Application being devoid of merits is accordingly disposed off.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

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