



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.996/2024
(Sheikh Sardar and others V State of Maharashtra and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.N. Ali, Adv for applicants.
Ms K. Marpakwar, APP for non-applicant no.1.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 25-07-2024.

Present appeal relates to the inherent powers of this Court for quashing the FIR registered vice Crime No.362/2024 with Jalgaon (Jamod) Police Station, District Buldhana for the offence punishable under Sections 294, 427, 323, 506, 34 of the IPC.

- ii. Heard learned Advocate for the applicants.
- iii. Learned APP waives notice for non-applicant no.1. It is even not necessary to issue notice to non-applicant no.2.
- iv. It appears that the applicant party has filed FIR vide Crime No.352/2024 with the same Police Station at about 22.59 hours on 22-06-2024 which has been registered for the offence punishable under Sections 294, 427, 504, 506 of the IPC against the four persons. Accused no.2 therein is the present non-applicant no.2 who has lodged the impugned FIR vide Crime No.362/2024 on 25-06-2024. It has been tried to be submitted the ingredients for the offence punishable under section 294 of the IPC are not

attracted and other sections are non cognizable. However, it has been tried to be stated that the present FIR is the counterblast to the FIR vide Crime No.352/2024 and it also relates to the civil dispute which is already pending.

v. When the applicants come with a case that the present FIR is a counterblast, then it cannot be quashed and set aside only on the statement that it is a counterblast. That fact will have to be proved by the applicants at the appropriate stage before the appropriate Court. Further as regards the facts are concerned that they cannot be gone into as it appears that there is already the dispute that is going on. It is now tried to be contended that the place where alleged abuses were given amounting to obscene words cannot be said to a public place for the purpose only FIR cannot be considered. The spot panchanama is also required to be considered which is not placed on record at this stage. Under the said circumstance, whatever the documents are produced and with the submissions, no case is made out for quashing the FIR by exercising the our powers under Section 528 of the BNSS.

vi. Application stands rejected at the threshold.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)