



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

CRIMINAL APPLICATION (APL) NO.1155 OF 2022

MILIND S/O SHRIKRUSHNA TAYDE AND OTHERS

VS

STATE OF MAH. THR. PSO PS CHANNI TAH.PATUR DIST.AKOLA AND ANOTHER
WITH

CRIMINAL APPLICATION (APL) NO.899 OF 2022

JYOTI W/O RAJESH DABHADE AND 4 OTHERS

VS

STATE OF MAH. THR. PSO PS CHANNI TAH. AND DIST.AKOLA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.M. Tirukh, Advocate for the applicants in APL No.1155/2022 and
respondent No.2 in APL No.899/2022

Mr. N.R. Tekade, Advocate for the applicants in APL No.899/2022 and
respondent No.2 in APL No.1155/2022

Ms Kalyani Marpakwar, APP for the Respondent No.1/State in both APLs.

**CORAM : SMT. VIBHA KANKANWADI
& MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 26.06.2024

1. Heard.

2. These matters pertain to cross FIRs and therefore, they are taken up together for consideration. The APL No.899 of 2022 is filed for the original accused arrayed in C.R. No.89 of 2022 registered with Channi Police Station, Taluka and District Akola, on the basis of the FIR dated 22.03.2022 lodged by the respondent No.2 for the offences punishable under Section 143, 144, 323, 354, 354-B, 504 and 506 of the IPC. Whereas, the APL No.1155 of 2022 is filed by the original accused for quashing the FIR vide C.R. No.88 of 2022, registered with Channi Police Station, Taluka and District Akola, on the same

day i.e. 22.03.2022 for the offences punishable under Section 143, 144, 323, 354, 354-B, 504 and 506 of the IPC, upon the report lodged by the respondent No.2.

3. Heard Mr. A.M. Tirukh, Advocate for the applicants in APL No.1155/2022 and respondent No.2 in APL No.899/2022, Mr. N.R. Tekade, Advocate for the applicants in APL No.899/2022 and respondent No.2 in APL No.1155/2022 and Ms Kalyani Marpakwar, APP for the Respondent No.1/State in both APLs.

4. Though it has been tried to be stated on behalf of the applicants in APL No.899 of 2022 that the FIR, against the applicants therein, is nothing but a counter blast to the FIR lodged by the applicants. It is to be noted that a similar stand is also taken by the applicants in another case. As regards the FIR No.89 of 2022 is concerned, it was registered around 3.45 a.m. on 22.03.2022 and the FIR No.88 of 2022 was lodged around 2.34 a.m. on the same day. It would be a question before the trial Court as to which is the counter blast, as it can only be revealed upon the evidence and therefore, the said ground that the FIR should be quashed and set aside on the ground of counter blast is concerned, it cannot be considered at this stage.

5. In counter cases, *prima facie* it can be said that both the parties to come up with a story that the incident has taken place. They would admit the presence of others. In respect of the both the applications, names of all the applicants are appearing in the respective FIRs and therefore, we are of the opinion that both the cases are not sufficient to exercise the inherent powers of this

Court under Section 482 of the CrPC for quashing the FIR.
Hence, both the applications stand **rejected**.

[MRS. VRUSHALI V. JOSHI, J]

[SMT. VIBHA KANKANWADI, J]