



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

915 CRIMINAL WRIT PETITION NO. 41 OF 2025

1. Nandkishore S/o Vishnu Thombare,  
Age: 51 years, Occ : Agriculture,  
R/o Plot No.7, Gut No.7, Vishal Provision  
Vishalnagar, Chhatrapati Sambhajnagar.
2. Ganesh S/o Vishnu Thombare,  
Age: 48 years, Occ : Agriculture,  
R/o Bhamberi Tq. Ambad, Dist. Jalna.
3. Rajendra S/o Vishnu Thombare,  
Age: 55 years, Occ : Business,  
R/o Infront of Datta Mandir,  
Beed Bypass Road Yashwantnagar  
Deolai parisar, Chhatrapati Sambhajnagar.
4. Vishnu S/o Kondiba Thombare,  
Age: 84 years, Occ : Nil,  
R/o Infront of Datta Mandir,  
Beed Bypass Road Yashwantnagar  
Deolai parisar, Chhatrapati Sambhajnagar. ... **PETITIONER**

V/s.

1. The State of Maharashtra,  
Through Police Station Gondi  
Tq. Ambad, Dist. Jalna.
2. Deepak S/o Nandkishore Thombare  
Age: 22 years, Occ : Agriculture,  
R/o Bhamberi Tq. Ambad, Dist. Jalna. ... **RESPONDENTS**

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Advocate for the Petitioner : Mr. Jain Vishwajeet Ramesh  
APP for Respondents/State : Mr. S.M. Ganachari  
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**CORAM : Y.G. KHOBRADE, J.**  
**DATE : 21.02.2025**

**PC.:-**

1. Heard Adv. Jain, the learned counsel appearing for the Petitioners and Adv. Ganachari, the learned APP for the Respondent No.1.
2. By the present petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Cr.P.C., the Petitioners have prayed for quashing and setting aside the order dated 24.11.2023, passed by the learned JMFC, Ambad with further prayer to quash and set aside the Criminal proceeding bearing SCC No.571/2023.
3. The learned counsel appearing for the Petitioners canvassed that the present Petitioners/Ori.Accused are residing outside territorial jurisdiction of the learned JMFC, Ambad. However, the present Respondent No.2/Complainant filed a complaint bearing SCC No.571/2023 before the JMFC Ambad, Dist. Jalna alleging that, on 09.07.2023 at about 1.00 pm when he visited the Accused No.1 for demanding partition in landed property bearing Gut No.176 at that time all the accused persons/Petitioners abused him in filthy language and assaulted him with sticks. Therefore, he has filed a complaint and prayed for appropriate punishment.

4. On 24.11.2023, the learned JMFC, Ambad examined the Complainant/ Respondent No.2 on oath and on satisfaction issued process against the Petitioners/Accused for the offence punishable under Section 323, 504, 506 read with Section 34 of the I.P.C.

5. The learned counsel appearing for the Petitioners/Accused canvassed that, Smt. Rama Nandkishore Thombare filed a Petition No.E-73/2021 before the Family Court, Aurangabad and given her address at Shivajinagar Chowk besides Chintamani Grocery Shop, Near Dipak Garment, Shivajinagar, Aurangabad. So also, the Petitioner No.1-Nandkishore Vishnu Thombare is serving as a Security Guard in MIDC Shendra and residing at Beed Bypass Road, Aurangabad. Therefore, the learned JMFC could have postponed the decision for issuance of process and could have directed an inquiry under Section 202 of the Cr.P.C. and the learned Magistrate could have inquired in the matter and then could have issued the process. However, the learned JMFC passed an order under Section 204 of the Cr.P.C. and issued the process without jurisdiction. Therefore, impugned order of issuance of process is illegal, bad in law, hence, prayed for quashing and setting aside of the same.

6. Needles to say that, merely mother of the Respondent No.2 has given her address and address of the Petitioner No.1/Original Accused No.1

that they are residing at Beed Bypass Road, Aurangabad it does not oust the jurisdiction of the learned JMFC, Ambad because the Respondent No.2/Complainant has given his address and address of the Petitioners/ Accused persons at village Bhamberi, Tq. Ambad, Dist. Jalna, which is within the jurisdiction of the J.M.F.C., Ambad. The Magistrate is required to consider addresses of the Complainant and Accused described in the complaint itself. Therefore, I do not find that the impugned order is illegal and bad in law. So also, the grounds set out in the petition does not warrant to interfere with the complaint lodged by the Respondent No.2. Hence, the petition is dismissed.

**[Y.G. KHOBRADE, J.]**