



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 38 OF 2023

SACHIN S/O. MADHUKAR PATIL
VERSUS
SHITAL NITIN PATIL AND OTHERS

...
Advocate for Applicant : Mr. Ganesh A. Gadhe
Advocate for Respondent : Mr. H. P. Randhir
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-09-2025

PER COURT:-

1. Heard.

2. Challenge is raised to the order rendered by the learned Judicial Magistrate First Class, Jalgaon, dismissing the complaint in Summary Criminal Case No.3578 of 2017, presented by the applicant.

3. On 09.06.2017, the complaint was presented by the applicant in relation to a news item published in the year 2015, subsequent to the order passed by this Court, in Criminal Writ Petition No.1065 of 2016 dated 17.03.2017 wherein the proceeding under Sections 307, 498, 324, 504, 506 read with Section 34 of the Indian Penal Code (for short, "IPC") has been quashed.

4. The learned Magistrate, considering the complaint presented by the applicant, directed the concerned police station to submit a report. The trial Court, after considering the report, observed that the material on record was not sufficient to constitute an offence as alleged by the present applicant. Resultantly, dismissed the application.

5. It is contention of the applicant that the concerned Magistrate declined to record the statements of witnesses cited in the complaint, as such the learned Magistrate has committed error.

6. The learned counsel for the applicant reliance places on the judgment of the Honourable Apex Court in the case of ***Dilip Kumar vs. Brajraj Shrivastava and Another, Criminal Appeal No.561 of 2012 dated 26.07.2023*** submitting that the learned Magistrate has had two options i.e. either to inquire into the case himself, or to direct a Police Officer to investigate and submit a report.

7. In the present case, the learned Magistrate called report from police under Section 202 of the Code of Criminal Procedure. The report indicates that complaint is lodged by the complainant on 20.06.2017, after decision of this Court, in criminal writ petition No.1065 of 2016, quashing the crime No.65 of 2016 on 17.03.2017, wherein complainant was one of the petitioners.

Nonetheless, the learned Magistrate has also recorded ingredients of Sections 191, 192, 211, 499 and 500 of the Indian Penal Code are *prima facie* not satisfied from the record and, resultantly, dismissed the complaint under Section 203 of the Cr.P.C.

8. As such, the learned Magistrate is justified in dismissing the complaint, having rightly held that there is no sufficient ground for proceeding with the complaint. Resultantly, no error is noted in the order under challenge. Therefore, same does not warrant interference by this Court.

9. Hence, the criminal revision application stands dismissed.

[SACHIN S. DESHMUKH]
JUDGE

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