



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

5 CRIMINAL APPLICATION NO. 407 OF 2025

MAHADEV SHAHADEV WAGHMARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Hanumant P. Jadhav, Advocate for Applicants.

Ms. P. R. Bharaswadkar, APP for Respondents-State.

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 18th March, 2025.

P.C.:

. Heard learned counsel for the Applicants.

2. The present application has been filed for quashing the FIR vide C.R. No.421 of 2024 dated 30.07.2024 for the offence punishable under Sections 307, 326, 324, 143, 147, 148, 149, 323, 504 and 506 of Indian Penal Code registered with Kaij Police Station, Taluka Kaij, District Beed.

3. The learned counsel for the Applicants has taken us through the FIR and also submits that there is a cross-complaint which was filed at the behest of present Applicant No.1 at about 22.44 hours on 31.07.2024 and came to be registered as C.R. No.424 of 2024 with the same police station for the offence punishable under Sections 327, 324, 323, 504 read with 34 of the Indian Penal Code. He submits that

taking into consideration, the entire FIR it can be said that no specific role has been attributed to all the Applicants. The villagers are also involved falsely in the matter.

4. It is to be noted, taking into consideration both the FIRs that the incident is stated to have taken place around 9.00 to 9.30 a.m. on 30.07.2024, however, none of the party went to police station immediately. The FIR which is intended to be quashed appears to have been lodged prior in time i.e. C.R. No.421 of 2024 on 30.07.2024, whereas, the cross FIR by present Applicant No.1 was registered on 31.07.2024 as aforesaid. Therefore, for both the FIRs, delay cannot be the point on which the quashment can be sought. When the parties themselves are accepting that there were cross FIRs, then definitely *prima-facie*, they are admitting that some incident had taken place on that day at the relevant time and at the place mentioned in the FIR. There are disputed questions of fact which cannot be gone into and therefore, we do not find this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure, 1973.

5. The application stands rejected at the threshold.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]