



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

6 CRIMINAL APPLICATION NO. 459 OF 2025

- 1) Gajanan S/o. Laxman Sapkal.
- 2) Shivaji S/o. Laxman Sapkal.
- 3) Anil S/o Pandurang Ukharde.
- 4) Laxman Bhakira Sapkal.
- 5) Narayan S/o Pandurang Ukharde.
- 6) Chatur S/o Gajanan Sapkal.
- 7) Laxmibai W/o Gajanan Sapkal. **... Applicants**

Versus

- 1) The State of Maharashtra.
- 2) Swati W/o. Gajanan Welhal. **... Respondents**

...
Advocate for Applicant : Mr. Sujit Suryakant Kulkarni.
APP for Respondent / State : Mr. V. K. Kotecha.
...

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

DATE : 13th February, 2025.

Per Court:

. Present application has been filed for quashment of the
FIR vide C.R. No.212 of 2024, dated 31st October, 2024, registered
with Paradh Police Station, District Jalna, for the offence punishable
under Sections 118(1), 126(2), 189(2), 190, 191(2), 191(3), 296, 351(2)
and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

2 We have heard the learned counsel for the applicants and the learned APP for respondent No.1 / State at this stage. There is no necessity to issue notice to respondent No.2.

3 After taking us through the FIR lodged by respondent No.2, N.C. lodged by present applicant No.1 on 16th October, 2024 as well as the FIR lodged by applicant No.1 on 29th October, 2024 vide C.R. No.207 of 2024, registered with Paradh Police Station, District Jalna, 7/12 extract of the land, plaint in R.C.S. No.38 of 2024, before the learned Civil Judge Junior Division, Bhokardhan, District Jalna, for permanent injunction, the learned counsel for the applicants submits that, in fact, the applicants had taken the maize crop in their land and in the land which is in the name of the mother-in-law of respondent No.2, they had taken Soybean. Yet, in the FIR, it is tried to be pretended by respondent No.2 that they had also taken maize crop. In fact, respondent No.2 and her family members had assaulted applicant No.1 and his family members around 04:00 pm of 28th October, 2024 and therefore, the FIR was lodged promptly by applicant No.1. Respondent No.2 has lodged a belated FIR, which is nothing but the counterblast to the FIR that has been lodged by applicant No.1. There is inordinate delay in lodging the FIR by respondent No.2, which is not explained at all. It would then be unjust to ask the applicants to face the trial.

4 The first and the foremost fact is that delay can be explained at any point of time and in isolation, it cannot be the ground for quashment of the FIR. The fact that is turning up, is that the incident in the FIR lodged by applicant No.1, is stated to have taken place at 04:00 pm in his field on 28th October, 2024, whereas in the FIR lodged by respondent No.2, it is stated that the said incident had taken place at 04:30 pm on 28th October, 2024, in the field, which is in the name of the mother-in-law of respondent No.2, wherein she herself and her family members were doing the agricultural work. Specific role is attributed to the accused persons and therefore, when there is a cross case, we cannot take this to be a fit case where we can exercise our inherent powers under Section 482 of the Cr.P.C.

5 The application stands rejected at the threshold.

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

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