



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

CRIMINAL APPLICATION NO. 614 OF 2024

1. Kundan s/o Sanjeev Patravali,
Age: 37 years, Occu. Business,
R/o- Somwarpeth, Tilakwadi,
Belgavi, District Belgaum,
Karnataka State
2. Kamal s/o. Kundan Patravali,
Age: 37 years, Occu. Business,
R/o- Somwarpeth, Tilakwadi,
Belgavi, District Belgaum,
Karnataka State
3. Kushal s/o Nagesh Nalge,
Age: 23 years, Occu. Education,
R/o. Indraprastha Apartment,
Near Pharmacy College, Shyam Nagar,
Nanded, Taluka and District Nanded .. Applicants

Versus

1. The State of Maharashtra
Through Investigation Officer,
Mr. A. N. Satare,
Bhagya Nagar Police Station,
District Nanded
2. Anuradha w/o Sangram Rane,
Age: 46 years, Occu- Household,
R/o. Zilla Parishad Colony, Shahaji
Nagar, Taroda, Taluka and District
Nanded .. Respondents

Mr. R. F. Totala, Advocate holding for Mr. Swapnil V. Lohiya and Mr. V. S. Kabra, Advocates for Applicants (through video conferencing);
Smt. P. R. Bharaswadkar, A.P.P. for Respondent No.1;
Mr. S. R. Patil, Advocate holding for Mr. Ravindra B. Narvade Patil,
Advocate for Respondent No.2

**CORAM : SMT. VIBHA KANKANWADI AND
MANJUSHA DESHPANDE, JJ.**

DATE : 15TH APRIL 2025

ORDER (PER : SMT. VIBHA KANKANWADI, J.)

1. Present application has been filed for quashing the proceeding in Regular Criminal Case No. 1204 of 2023 pending before the learned Judicial Magistrate First Class, 5th Court, Nanded, arising out of First Information Report ("FIR") vide C.R.No.0259 of 2022 dated 28.07.2022, registered with Bhagyanagar Police Station, Nanded, for the offences punishable under Sections 354, 354A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

2. Heard the learned Advocate appearing for the applicants, the learned A.P.P. for respondent No.1 and the learned Advocate for respondent No.2. In order to cut short, it can be stated that the learned Advocates for respective parties have argued in support of their contentions.

3. Learned Advocate for the applicants has taken us through the contents of the chargesheet including the FIR. He submits that in the chargesheet in column No.13, the prosecution has given the date of offence as 17.07.2022, whereas in the FIR the date is mentioned as 27.07.2022. Further, the chargesheet contains the statement of two witnesses under Section 161 of the Code of

Criminal Procedure, 1973 (for short, "Cr.P.C.") which are nothing but the copy paste. Admittedly, there are property disputes between the informant and the applicants and a cross case is also filed. Under such circumstance, it would be an abuse of process of law and ask the applicants to face the trial.

4. Learned A.P.P. as well as Mr. S. R. Patil, learned Advocate holding for Mr. Ravindra B. Narvade Patil, learned Advocate for respondent No.2 strongly opposed the application and submit that there is sufficient material collected in the chargesheet to support the prosecution story and, therefore, this is not a fit case where the Court should exercise the powers under Section 482 of the Cr.P.C.

5. At the outset, we would like to say that if in column No.13 there is a mistake in giving date of offence, that will not give any advantage to the applicants as the said date is not given by the informant. For that purpose, we will have to consider the FIR. In the FIR, the date of incident is 27.07.2022 and the FIR is lodged on the next day i.e. 28.07.2022. Now the applicants are also, on the other hand, contending that there is cross case filed at their behest. The cross case presupposes the presence of both the parties at the said place, of course if the date, time and place is the same. As regards the present FIR is concerned, it is stated that there are property disputes going on in the family. It appears

that present applicant No.2 is the real sister of respondent No.2. Applicant No.1 is her husband and applicant No.3 is the son of brother of the informant and applicant No.2 and it is then stated by the informant that the applicants insisted that the informant should not reside in the said house and, therefore, she was abused. Applicant No.1 had dragged her with ill-intention by holding her hand and in that process her blouse was torn. Applicants No.2 and 3 had assaulted her which appears to have caused her simple hurt and then threat was given. Here in this case, she had gone to the hospital and there is certificate to that effect. There are two eyewitnesses to the incident, whose statements have been recorded under Section 161 of Cr.P.C. only to state at the stage it can be said that they are supporting the FIR on its *prima facie* reading. Therefore, there appears to be *prima facie* evidence against the applicants and, therefore, we take that this is not a fit case where we should exercise powers under Section 482 of the Cr.P.C. With these observations, the application stands rejected.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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