



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 CRIMINAL APPLICATION NO.649 OF 2025

1. Rekha Sanjay Shirsat
2. Akash Sanjay Shirsat
3. Akash Bharat Kamble
4. Vijay Arjun Waghmare

.. Applicants

Versus

1. The State of Maharashtra
Through the Police Inspector,
Kaij Police Station, Tq Kaij, Dist Beed.

2. Mahadev s/o Shahdev Waghmare

.. Respondents

...

Mr. R. C. Bora, Advocate for Applicants.
Mr. A. R. Kale, APP for Respondent No.1/State.

...

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

DATE : 25 FEBRUARY 2025

ORDER :

. Present application has been filed for quashing the FIR vide Crime No.424 of 2024 dated 31.07.2024 registered with Kaij Police Station, Taluka Kaij, District Beed for the offences punishable under Sections 327, 324, 323, 504 read with Section 34 Indian Penal Code.

2. Heard learned Advocate for the applicants and learned APP for respondent No.1/State. There is no necessity to issue notice to respondent No.2.

3. Learned Advocate for the applicants has taken us through the contents of the FIR vide Crime No.424 of 2024 as well as Crime No.421 of 2024 dated 30.07.2024 registered with the same Police Station for the offences punishable under Sections 506, 504, 326, 324, 323, 307, 149, 148, 147, 143 of Indian Penal Code. He submits that both the FIRs are in respect of the incident that had taken around 9.00 to 9.30 a.m. on 30.06.2024 in front of the house of the informant Mahadev Waghmare resident of village Vida, Taluka Kaij, District Beed. The informant is the husband of daughter of applicant No.1. Applicant No.2 is the son of applicant No.1. Applicant Nos.3 and 4 are their relatives. Learned Advocate for the applicants submits that the FIR lodged by applicant No.1 is prior in time. She has given the explanation for delay as applicant No.2 and applicant No.4 were admitted and they were discharged on 25.07.2024. She had lodged the FIR on 30.07.2024 and thereafter, the present FIR vide Crime No.424 of 2024 came to be lodged. This is nothing but a counterblast and, therefore, it would be unjust to ask the applicants to face the

trial, when more serious offence is committed against them.

4. The first and the foremost fact is that both the FIRs are belated. The explanation will have to be given by the prosecution. Explanation for the delay can be given at a later point of time also, as FIR is not the encyclopedia. If the impugned FIR is the counterblast, then that will have to be demonstrated in the trial by the present applicants/the prosecution when the charge-sheet would be filed in respect of Crime No.421 of 2024. Further, when there are cross cases, this Court would be slow in exercising the powers under Section 482 of the Code of Criminal Procedure. The matter needs investigation and, therefore, this is not a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Application is dismissed at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm