



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

CRIMINAL WRIT PETITION NO. 357 OF 2024

1. Raju S/o Babarao Tekale,
2. Yash S/o Ashokrao Tekale,
3. Tejas Raju Tekale,
4. Santosh Satwaji Tekale,
5. Govindrao Paghaji Tekale,
6. Sahebrao S/o Paghaji Tekale,
7. Vicky @ Chandrakant Satwaji Tekale
8. Narayan Balaji Tekale,
9. Sandeep Raosaheb Tekale,
10. Devanand Kamaji Tekale,
11. Paghaji S/o Sahebrao Tekale,
12. Ashok S/o Yadoji Tekale,
13. Shamrao Yadoji Tekale,
14. Satwaji Yadoji Tekale,
15. Digambar Namdeorao Kadam,
16. Anand Govindrao Tekale,
17. Ajay Babasaheb Kadam,
18. Ramkishan Namdeorao Kadam,
19. Sanchit Ashokarao Tekale,
20. Akshay Ramkishan Kadam,
21. Jairam Raosaheb Tekale,

22. Vijay Digambrrao Deshmukh (Kadam),
23. Dr. Vilas S/o Digambarrao Kadam,
24. Dr. Gorakhnath S/o Ganeshrao Tekale,
25. Anuradha Digambar Tekale,
26. Meera Ramkishan Kadam,
27. Aruna Kamaji Tekale,
28. Jyoti Paghaji Tekale,
29. shital Santosh Tekale,
30. Gajanan Baburao Tekale,
31. Arvind Ganeshrao Tekale,
32. Dnyaneshwar Paghaji Tekale,
33. Dtta Babarao Tekale,
34. Rohan Gajanan Tekale,
35. Shriram Kamaji Tekale,
36. Tukaram Sahebrao Tekale,
37. Praveen Ganeshrao Tekale

All are permanent resident of :
Amrabad, Taluka Ardhapura,
District Nanded.

..Petitioners

VERSUS

1. Pandurang Vitthal Panchal,
Age : 53 years, Occ. Agriculture,
Resident of : at village Amrabad,
Taluka Ardhapur, District Nanded.

Informant

2. The State of Maharashtra

...Respondents

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Advocate for the Petitioners : Mr. Mukul S. Kulkarni
A.P.P for Respondent/State : Mrs. S.N. Deshmukh
Advocate for Respondent No.1 : Ms. A. S. Jadhav
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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 25th JUNE 2025

ORDER:-

1. This petition is filed under Article 226 and Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for quashing of Crime No. 248 of 2023 registered with Ardhapur Police Station, District Nanded for the offences punishable under Sections 143, 147, 454, 457, 380, 435, 436, 342, 427, 430, 504 and 506 of the Indian Penal Code.

2. On 25th July 2023, respondent No.1 lodged F.I.R. in question alleging that he has two brothers, namely, Janaradhan and Sahebrao and Maruti Panchal is his uncle. They all have houses and agricultural lands at village Amrabad. Gut No. 50 admeasuring 1 H 13 R land stands in the name of informant. Uncle Maroti, has agricultural land in Gut No. 51 which is admesuring 57 R, and in Gut No. 50 admeasuring 2 H and 19 R. Janaradhan Vitthal Panchal has 73 R land in Gut No. 50 and in Gut No. 51 admeasuring 34 R land and in Gut No. 52 admeasuring 13 R. Gut No. 52 stands in the name of his father

admeasuring 70 R6 pt. All have temporary sheds and houses in their respective lands.

3. On 28.11.2022, the common D.P was burst. Due to said dispute, members of Tekale and Kadam family have lodged false crime against the informant and others at C.R. No.321 of 2022 and in that crime he and his relatives were arrested and thereafter they were released on bail. A condition was imposed that from the date of grant of bail, for one month, they should not enter in their village. Most of the population of their village is of Maratha community. In view of the political connection of Tekale and Kadam family and their influence on the village, they did not enter the village. On 12.07.2023, when he went to Amrabad, he saw that his house, house of his brothers Sahebrao and Janaradhan and uncle Maroti, father Vitthal Panchal and the houses situated in the agricultural lands and agricultural lands were damaged. Therefore, he inquired with his brother Laxmikant Tukaram Panchal, Maroti Sambhaji Panchal, relatives, namely, Sandeep Tukaram Panchal, Ganesh Machindra Panchal, Shivaji Pandurang Panchal, who were staying in the village. They told that the said damage is caused in their presence by the members of Tekale and Kadam, family between the period from 29.11.2022 to 31.01.2022.

4. The newly planted sugarcane crop in Gut No. 50 of Maroti Panchal was damaged by the accused persons by sending cattle in the

agricultural field. The household articles, grains, clothes, furniture and entire house of Janaradhan Viithal Panchal situated in the filed were burnt down by Pagaji Tekale, Sanjay Tekale, Dnyaneshwar Tekale, Santosh Tekale, Viki Satwaji Tekale, Anand Tekale, Sahebrao Tekale, Ajay Kadam, Ramkishan kadam, Raju Tekale, Sanchheet Tekale and Akshay Kadam. They also burnt down the carpentry equipments, 16 Bags of Chemical Fertilizers were stolen and remaining teakwood furniture, 2 Sofa-set, 2 cots, four frames and four windows were burnt down.

5. They have also stolen fertilizer's bags and damaged agricultural equipments, electric motor starter, PVC pipes, bullock cart in the fields of Sahebrao Panchal, Maroti Panchal and Gorakh Panchal. The informant also stated in the F.I.R. that 30 days before lodging F.I.R. when father of the informant Vitthal had gone to Nanded to attend marriage ceremony and while returning to village along with brother Tukaram Panchal half Kilometer away from village Amrabad the persons, namely, Ashok Tekale, Santosh Tekale, Raju Tekale, Sanchheet Tekale, Digamber Kadam, Ajay Kadam, Arvind Tekale, Rohan Tekale, Shriram Tekale, Ramkishan Tekale, Pagaji Tekale, Sanjay Tekale, Tukaram Tekale, Pravin Tekale and members of Tekale and Kadam family had stopped his father and that time Ashok Tekale threatened to his father stating that if he and other family members entered in the

village, he would kill them and restrained them from entering the village. After the said incident when Tukaram Panchal went near his house, that time motor cycles which were parked in front of his house and as well as doors, windows of house were damaged by aforesaid persons. Then they also committed trespass in the house of informant by breaking down the door damaging electric motor in the court-yard and have stolen 1 Tola golden Necklace, 12 Gram ear rings, and silver bangles of 50 Tola of his mother, golden Necklace of his wife weighing 15 Grams, 4 Tola gold bangles and golden ear rings weighing 7 Grams, and also bangles weighing 4 Tolas, golden Necklace of 2 & 1/2 Tolas golden earrings of 7 Gram, 5 Gram gold finger ring belonging to his daughter-in-law, cash of Rs.71,000/- and important documents and receipts kept in cupboard of his house. They have also stolen golden ear rings, golden necklace, golden bangles weighing 3 Tola, which were kept in the house of his brother Janardhan Panchal. They have also stolen 7 golden earrings weighing 7 Grams, golden Mangalsutra weighing 25 Grams, golden bangles weighing 3 Tolas belonging to wife of his younger brother Sahebrao Panchal and also stolen file containing documents of complainant. This incident was witnessed by informant's brother, namely, Laxmikant Panchal and Tukaram and the persons, namely, Ashok Tekale, Gorakh Tekale, Yash Tekale, Vilas Kadam, Shamrao Tekale, Ramkrishna Kadam, Vijay Kadam, Shriram Tekale, Akshay Kadam, Pagaji Tekalle,

Tukaram Tekale, Viki Tekale, Digamber Kadam, Sancheet Tekale, Narayan Tekale, Santosh Tekale, Raju Tekale were involved in the incident. After this incident, they made an application to police for protection and along with police party, they entered in the village. At that time, video shooting conducted by police of houses and agricultural fields. They found that approximately damage of Rs. 70,00,000/- (Rupees Seventy Lakh) had been caused by family members of Tekale and Kadam.

6. After registration of crime, investigation was conducted by the police and charge sheet came to be filed on 19.02.2023. Hence, the present petition for quashing of F.I.R. and charge sheet.

7. Heard learned Advocate for the petitioners, learned A.P.P for the State and learned Advocate for the first respondent/complainant.

8. Perused the petition, documents placed on record and the charge sheet. It is a matter of record that in the month of November 2022, one Electricity Distribution Panel Transmission (for short 'D.P'.) got damaged and meeting of villagers was called for collecting contribution for repairing of the said D.P. In the said meeting, dispute arose amongst the villagers, and, the respondent No.1 and his accomplices assaulted petitioner Nos. 1, 17, 13 to 37. At the instance of petitioner No.35, namely, Shriram Kamaji Tekale, the F.I.R vide C.R.

No. 321/2022 was registered against respondent No.1 and his accomplices at Ardhapur Police Station, Taluka Ardhapur, District Nanded for the offences punishable under Sections 143, 147, 148, 148, 149, 307, 324, 323, 504 and 506 of the Indian Penal Code, under Section 4/25 of the Arms Act and under Section 135 of the Maharashtra Police Act. Respondent No.1 is accused No.6 in the said crime. Respondent No.1 was arrested on 28.11.2022 in connection with the said crime and was released on bail by order dated 01.03.2023, with a condition not to enter the village Amrabad for a period of one month, from the date of release. Charge sheet is filed in the said case on 19.02.2023.

9. For the incident dated 28.11.2022, from the side of respondent No.1, Sahebrao Vitthal Panchal has lodged F.I.R. with Ardhapur Police Station against some of the petitioners, which is registered at C.R. No. 0322 of 2022. Charge sheet is filed in the said crime on 08.08.2023.

Thus, there appears animosity between both the parties. In the backdrop of this, respondent No.1 lodged the F.I.R in question alleging commission of offence between 29.11.2022 to 31.01.2023, making allegations narrated in paragraph No.3 (supra).

10. It is pertinent to note that, there is delay of 7 months in lodging the F.I.R. Explanation for delay that the first respondent was in jail at

the relevant time and therefore, he could not lodge the F.I.R, is unacceptable. In the F.I.R. itself, the first respondent has alleged that he was informed about the commission of crime by Laxmikant Tukaram Panchal, Maroti Sambhaji Panchal, Sandeep Tukaram Panchal, Ganesh Machindra Panchal, Shivaji Pandurang Panchal. If the accused has really committed offence as alleged in the F.I.R, these persons, who are close relatives of the first respondent, who informed him about the alleged crime, would have gone and lodged F.I.R.

11. The allegations of burning of sugarcane crop by some of the petitioners is falsified by intimation dated 12.12.2022 given by Maroti Panchal to the Sugar Factory at Degaon, informing that, he had planted 5 Acres of sugarcane crop in Gut No.51, but the said sugarcane crop was burnt due to some natural calamities, therefore, the said sugarcane be taken away for crushing. Apart from the statement of close relatives of the first respondent, there is absolutely no material on record to connect the petitioners with the alleged crime. There is no recovery from any of the petitioners. Vague, general and omnibus allegations are levelled against the petitioners, and total 37 members of two families are implicated in the present crime. Some of the petitioners are not even residing in village Amrabad.

12. On perusal of the F.I.R. and the charge sheet, it is clear that,

even if the allegations made in the first information report and the material collected during the investigation are taken at their face value and accepted in their entirety, they do not disclose commission of any offence and make out a case against the accused. The criminal proceedings against the petitioners is manifestly attended with mala fide and the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the petitioners and with a view to spite them due to personal grudge.

13. In the peculiar facts of the present case, the allegations made in the F.I.R. are absurd and inherently improbable, on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the petitioners.

14. In *State of Haryana and Others, Vs. Ch. Bhajan Lal and others (AIR 1992 SC 604)*, the Apex Court has laid down the categories of cases in which the High Court may exercise powers under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure. They are as follows :-

(1) Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under S. 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the F.I.R do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/ or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

15. The present case falls in category Nos. 1, 3, 5 and 7. Therefore, continuation of the prosecution against the petitioners is an abuse of process of law and Court.

16. Learned Advocate for the first respondent has opposed the petition by relying on *Punit Beriwal Vs. The State of NCT of Delhi and Others (Criminal Appeal No. 1834 of 2025)*. According to him, when there are cross cases, the High Court should not quash one case. The said decision is rendered in different facts. In that case, there were two cross F.I.Rs and the Apex Court was of the view that both the F.I.Rs were required to be holistically investigated. Such are not the facts of the present case, therefore, this ruling is of no help to the case of the first respondent.

17. Learned Advocate for the first respondent and learned A.P.P. could not point out any material showing the involvement of the petitioners in the present crime.

18. For the afforested reasons, the petition succeeds. Hence the order :-

ORDER

(I) The proceedings of Sessions Case No. 6 of 2025, pending before the learned Additional Sessions Judge, Nanded arising out of First Information Report vide Crime No. 248 of 2023, dated 25.07.2023 registered with Ardhapur Police Station, Taluka Ardhapur, District Nanded for the offences punishable under Sections 143, 454, 457. 380, 435, 436, 342, 427, 430, 504, 506 of the Indian Penal Code along with charge sheet, is hereby quashed and set aside.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S.K.