



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 CRIMINAL APPLICATION NO.665 OF 2025

SUDHIR MOHAN AHIR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. R. T. Wakale and Mr. N. D. Yadav, Advocate for Applicants.
Mr. S. A. Gaikwad, APP for Respondent No.1/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 24 MARCH 2025

ORDER :

1. Present application has been filed for quashment of the proceedings in R.C.C. No.21 of 2013 pending before the learned Civil Judge Junior Division and Judicial Magistrate First Class, Dondaicha, District Dhule arising out of Crime No.11 of 2013 for the offences punishable under Sections 498-A, 406, 323, 504, 506 read with Section 34 of Indian Penal Code, under Section 3, 4 of the Dowry Prohibition Act.

2. We have heard learned Advocate for the applicants and learned APP for respondent No.1/State. It is not even necessary to issue notice to respondent No.2.

3. The first and the only point which we want to harp upon is that the applicants were having knowledge about the FIR lodged against them as

well as the proceedings that was lodged against them in 2013 itself, but they are coming to this Court in 2025. There is absolutely no explanation which can be said to be reasonable and plausible in the entire application regarding the delay in approaching this Court. Though there is no specific limitation that has been provided for approaching the Court under the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, yet it should be reasonable. Further, the roznama till 25.10.2023 has been given which shows that except the Covid-19 period, on certain occasions, the applicants were absent. Even Non Bailable Warrant was issued against them and thus, they were also responsible for not proceeding the matter further or even to start with. Only charge appears to have been framed in the matter, that too after a considerable time. Reliance can be placed on the decision in ***Sushilabai Vajjinath Pawar Vs. The State of Maharashtra and others, [2023 (1) Mh.L.J. (Cri.) 700]***, to which (Smt. Vibha Kankanwadi, J.) was party, wherein taking into consideration the fact that the petitioner had approached after a considerable delay, while invoking the powers of the High Court under Section 482 of the Code of Criminal Procedure, it has been observed that “a party cannot approach the High Court under Section 482 of the Cr.P.C at his whim and caprice merely because no period of limitation in filing the petition under the aforesaid provision is provided. A petition under Section 482 of the Cr.P.C must be filed within

a reasonable time and it should not be vitiated by inordinate delay and latches on the part of the petitioner.” Here, when the applicants themselves have not adopted the proper procedure at proper time, we do not find this to be a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. On this ground alone, we dismiss the application at the threshold.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm