



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 828 OF 2022

BALAJI GANAPATI CHONDE (DIED) AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. G. G. Suryawanshi
APP for Respondent No. 1-State : Mr. K. B. Jadhavar
Advocate for Respondent No. 2 : Mr. Ajinkya Joshi h/f Mr. S. V. Natu

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CORAM : SACHIN S. DESHMUKH, J.

Date : 4th November, 2025

PER COURT :-

1. The applicants have approached this Court for quashing of complaint bearing Summary Criminal Case No. 247 of 2021 presented by respondent No. 2 for the offences punishable under Sections 494, 323, 504 and 506 read with 34 of the Indian Penal Code and order of issuance of process dated 18.02.2021 rendered in Criminal Misc. Application No. 1065 of 2019 by the learned Judicial Magistrate First Class, Beed.

2. The learned counsel for the respondent No. 2 has raised a preliminary objection as to the maintainability of the present application on the ground that an alternate remedy is available to the applicants to challenge the order of issuance of

process.

3. The learned counsel for applicants submits that the challenge is not confined to the order of issuance of process but extends to lodgin of the complaint in its entirety. In support of submission, the learned counsel for applicants has relied upon following judgments.

1. Taskin Vs. Ejaj shafi khan Pathan and Ors. [2018 ALL MR (Cri.) 413

2. Criminal Application No. 889 of 2022 (Sapna D/o Vijaykumar Solanke Vs. The State of Maharashtra and Anr.

3. Musstt Rehana Begum Vs. State of Assam and Anr. [2022 ALL Mr (Cri.) 753].

4. However, when confronted with the availability of alternate remedy, the learned counsel for applicants fairly admitted that no revision application has been preferred before the competent Revisional Court.

5. Admittedly, the applicants have an alternate and efficacious statutory remedy to challenge the order of issuance of process by way of filing a revision before the Revisional Court. Since already the order of issuance is passed by the learned Magistrate, the aforesaid decisions relied upon by the learned

counsel for applicants are of no assistance. Accordingly, the liberty is granted to the applicants to approach appropriate Revisional Court.

6. Since the applicants were bonafide prosecuting this proceedings before this Court, the delay in filing the revision shall be considered by the concerned Court in accordance with the law.

7. In view of the above liberty, this petition stands **disposed** of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi