



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1239 OF 2025

PAWAN MOHAN RATHOD AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. P. C. Bhagure
APP for Respondents-State : Mr. N. R. Dayma
...

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

DATE : 15th APRIL, 2025

PER COURT :

1. The present application has been filed for quashment of the FIR vide CR No. 445/2024 dated 31.10.2024 registered with Pundalik Nagar Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 351(3), 3(5), 140(4) and 115(2) of Bhartiya Nyaya Sanhita, 2023 (hereinafter "BNS" for short).

2. Heard learned Advocate for the applicants and learned APP who waives notice for respondent No. 1-State.

3. Taking into consideration the contents of the FIR and the document which is styled as '*MCR Yadi*' which contains the statement of the victim, though the learned Advocate appearing for

applicants tried to say that the case will not fall under Section 140(4) of BNS but it would fall under Section 140(3) of BNS, we are satisfied that at this stage, the case would fall within Section 140(4) of the BNS.

4. There appears to be the transaction between applicant No. 1 and the victim and the victim had taken amount i.e. advance for work as sugarcane cutting labour from applicant No. 1. It is the say of the applicant No. 1 that the victim had not done the work yet. As stated in the FIR and the statement under Section 161 of CrPC, it appears that victim was then abducted, assaulted and abused. This will not be a fit case where we should exercise our powers under Section 482 of CrPC.

5. Learned Advocate appearing for applicants submits that that there is compromise between the victim and the applicants. However, at this stage, no document has been produced which would show that there is compromise between the parties. Now, after it was asked that on what basis it can be stated that there is a compromise ?, learned Advocate appearing for applicants seeks time to file such document on record. In fact, if the ground existed at the time of filing of the application, then it ought to have been raised in the application itself.

6. The manner in which (as per the statement of victim) the victim was abducted, the way he states that he got himself rescued, we do not find this to be a fit case where we should exercise our powers under Section 482 of CrPC. Hence, application is rejected at the threshold.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

Omkar Joshi