



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

2 CRIMINAL APPLICATION NO. 1266 OF 2025

Jayashree W/o. Khandu Kashid,
Age:41 years, Occu: Service,
R/o. Navalewadi,
Tq. Akole, Dist. Ahmednagar.

... Applicant

Versus

1) The State of Maharashtra,
Through Police Inspector,
Akole Police Station,
Tq. Akole, Dist. Ahmednagar.

2) Bhausahab S/o. Yadav Bhalerao,
Age: 35 years, Occu: Business,
R/o. Khadki (Kh)
Tq. Akole, Dist. Ahmednagar.

... Respondents

...

Mr. Satyajeet S. Dixit, Advocate for Applicant.

Smt. P. R. Bharaswadkar, APP for Respondent No.1 / State.

...

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

DATE : 06th May, 2025.

Per Court:

. Present application has been filed for quashing the FIR
vide C.R. No.53 of 2025, dated 13th February, 2025, registered with
Akole Police Station, Taluka Akole, District Ahmednagar, for the

offence punishable under Sections 92 (a) of the Rights of Persons with Disability Act, 2016 and under Sections 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita (for short the “BNS”)

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

3 The learned counsel appearing for the applicant has taken us through the contents of the FIR and submits that the incident as per the FIR had taken place on 27th December, 2024 and 30th December, 2024. However, the FIR has been lodged on 13th February, 2025. Only the Section 92(a) of the Rights of Persons with Disabilities Act, 2016, is a cognizable offence, but the other offences under the BNS are non-cognizable offence. The applicant is serving as a Gramsevak and she had lodged the FIR vide C.R. No.42 of 2025 with Rajur Police Station, District Ahmednagar, for the offence punishable under Section 78 of the BNS. The present FIR is nothing but a counterblast to the FIR lodged by the applicant and it appears that respondent No.2 / informant is taking advantage of his disability. When it was clearly stated in the FIR lodged by the applicant that respondent No.2 was behaving improperly and was also video recording the applicant, she had earlier also filed a written complaint with the Sub-Divisional Officer,

Sangamner on 29th January, 2025. The revengeful attitude is seen in the FIR lodged by respondent No.2 and therefore, it would be unjust to ask the applicant to face the trial.

4 At the outset, we would like to take account of the contents of the impugned FIR i.e. C.R. No.53 of 2025 first. It appears that it is not in dispute that respondent No.2 is a disabled person. In respect of incidents those have allegedly taken place on 27th December, 2024 and 30th December, 2024, he has given as to what happened with him, and there appears that he was alongwith two other persons and it was a public office, where they had gone. So the possibility of the employees working in the office as well as the general public witnessing the incident, cannot be ruled out. The investigation is going on and therefore, at this stage, the investigation cannot be aborted.

5 As regards the FIR that has been lodged by the present applicant against respondent No.2, occurrence is stated to be between 1st April, 2024 to 31st December, 2024 and the FIR has been lodged on 6th February, 2025. So there is apparent delay in lodging that FIR also. Of course, every delay can be explained at a later point of time and that cannot be the sole ground for questioning an FIR. The investigation of that offence is also going on and therefore, we do not

find this to be a fit case where we should exercise our inherent powers under Section 528 of the BNSS, at this stage.

6 The application stands rejected at the threshold.

nga **[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]**