



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 CRIMINAL APPLICATION NO. 1582 OF 2024

Dadya Khalya Tadvī And Others
VERSUS
The State of Maharashtra and another

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Advocate for Applicant : Mr. Ajinkya Joshi h/f Mr. Sharad V. Natu
APP for Respondent No.1: Mr. A.D. Wange
Advocate for Respondent No.2 : Mr. Girish Rane

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 17th JULY, 2025**

PER COURT :-

1. The present application has been filed under Section 482 of the Cr.P.C. for quashment of F.I.R. No. 161 of 2023 registered with Molagi police station, district Nandurbar for the offences punishable under Sections 143, 147, 149, 427, 323, 504, 506 of I.P.C. and the consequential charge sheet bearing number 22 of 2024 in S.C.C. No. 528 of 2024 pending before Criminal Court, Akkalkuwa, District Nandurbar.

2. In order to cut short, we would like to say that the learned advocates for the respective parties have argued the matter in support of their respective contentions.

3. It appears from the entire charge sheet as well as other

documents that there is dispute pending between both the parties in respect of immovable properties and that too it is reached upto this court. It also appears that there are also criminal complaints filed against each other. As regards some of the applicants, it is stated that they were not present in the house or at the spot when the incident took place and certificate to that effect regarding their presence in their college has been produced. This can be considered as a plea of alibi of which the burden is on the accused to prove and it cannot be considered within the ambit of Section 482 of Cr.P.C. The another ground that is tried to be raised is that the F.I.R. is nothing but a counter blast to the F.I.R. which was already lodged in respect of the earlier incident, on behalf of the applicants. Taking into consideration the dispute, the recurring occurrences of incident cannot be ruled out and only on the ground that earlier F.I.R. is lodged by the applicants' group cannot be a ground for quashment of the proceedings.

4. Taking into consideration the contents of the F.I.R. and the statements of witnesses and other documents, prima facie, no case is made out and therefore, it is not fit case where this court should exercise its powers. The application stands rejected.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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