



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

12 CRIMINAL WRIT PETITION NO. 526 OF 2025

Nilesh S/o. Namdeo Ubhale,
Age : 33 Years, Occu. : Social Work,
R/o. Near Mohan Kirana Store,
Village Bhoje, Tq. Pachora,
Dist. Jalgaon.

.... Petitioner

VERSUS

1. The State of Maharashtra
Through Investigation Officer,
Pimpalgaon Police Station,
Dist. Jalgaon.

2. Mrs. Nayana Ganesh Patil,
Age : 39 Years, Occu. : Agril.,
R/o. Village Bhoje,
Tq. Pachora, Dist. Jalgaon.

.... Respondents

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Advocate for the Petitioner : Mr. Rajendra N. Chavan Thr. Legal Aid
APP for Respondent No.1-State : Mr. A.R. Kale
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**CORAM SMT. VIBHA KANKANWADI &
: SANJAY A. DESHMUKH, JJ.**

Dated : 08th May 2025

PER COURT :-

1. The present petition has been filed for quashing the First
Information Report, vide C.R. No.0310 of 2024, dated 05.12.2024,
registered with Pimpalgaon Police Station, Dist. Jalgaon, for the

offences punishable under Sections 74, 296, 352, 351(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Advocate appearing for the petitioner, who has been appointed through Legal Aid. He has taken us through the F.I.R. and also the F.I.R. which the petitioner had lodged i.e. vide C.R. No.0309 of 2024, registered with the same police station on 04.12.2024, against the family members of respondent No.2. He submits that the present F.I.R. against the petitioner is nothing but the counter blast. It is belated and it is an act of vengeance as in the past also, in 2021, the petitioner had made a complaint against the saw mill run by the family members of respondent No.2, where illegal activity was going on. He had made a complaint to the Forest Department at that time also and the Forest Department had imposed fine on the saw mill. Now also, after the incident which the petitioner had reported to the police station, he has involved the Forest Department also and then, the Forest Department has taken action against the saw mill. No such incident has taken place which is projected in C.R. No.0310 of 2024. When the F.I.R. has been lodged with malafide intention, it would be unjust to ask the petitioner to face the investigation as well as the trial.

3. Here, it appears that the present petitioner has lodged the F.I.R. vide C.R. No.0309 of 2024, on 04.10.2024, at around 22.10 Hrs., in respect of the incident that had taken place at around 05.20 p.m. on the same day. He states that the police persons were called by him taking into consideration the fact that the timber which was illegally cut was brought in the saw mill. According to the petitioner, that incident had taken place in the morning at around 11.00 a.m. Thereafter, he was called by the forest officers at around 05.20 p.m. in the saw mill and he was told there that the forest officers have prepared panchnama and he should give his statement. Thereafter, his statement was recorded and he was reading the panchnama. When he was making signature, the accused persons named therein including present respondent No.2 came and present respondent No.2 abused and threatened him, took the panchnama in her hand and torn it. She assaulted the petitioner with iron strip. The other family members of the present informant had also assaulted him.

4. Here, we are not going into the merits or details of that event stated in the petition. However, suffice it to say that the petitioner is admitting his presence in the saw mill of respondent No.2 at the given time. Now, the impugned F.I.R. herein i.e. C.R.

No.0310 of 2024 is registered on 05.12.2024 and is in respect of incident that has allegedly taken place at around 05.00 p.m. on 04.12.2024 in the saw mill belonging to the family of the informant. Thus, there are, now, contradictory versions of the incident in the two F.I.Rs. and therefore, it can be considered that they are cross complaint. Merely because there is a so called delay in lodging the present F.I.R., it cannot be quashed and set-aside nor question in respect of its authenticity can be raised when the investigation in both the crimes is going on. Therefore, at this stage, no interference is required. Thus, this is not a fit case where we should exercise our powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petition stands dismissed.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd