



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

1 CRIMINAL APPLICATION NO. 1475 OF 2025

1. Anuj S/o. Satishkumar Saboo,
Age : 32 Years, Occu. : Private Job,
R/o. Row House No.100,
Old Row House No.8,
Flora Elide, Beside AS Club,
Tisgaon, Aurangabad.
2. Hemlata W/o. Satishkumar Saboo,
Age : 59 Years, Occu. : Housewife,
R/o. Row House No.100,
Old Row House No.8,
Flora Elide, Beside AS Club,
Tisgaon, Aurangabad.

.... Applicants

VERSUS

1. The State of Maharashtra,
Through its Police Inspector,
Jawaharnagar Police Station,
Aurangabad.
2. Ravi Ramdas Misal,
Age : 36 Years, Occu. : Business,
R/o. In front of Dnyanpith Buddha Vihar,
Jawahar Nagar, Aurangabad.

.... Respondents

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Advocate for Applicants : Mr. Prasad D. Jarare
Addl. P.P. for Respondent No.1-State : Mr. P.S. Patil
....

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

Dated : 15th July 2025

PER COURT :-

1. The present application has been filed for quashment of the First Information Report (for short "the F.I.R."), vide C.R. No.0009 of 2025, dated 09.01.2025, registered with Jawahar Nagar Police Station, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 352, 351(2), 351(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "the B.N.S.") and Sections 3(1)(r), 3(1)(s) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the Atrocities Act").

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

3. Learned Advocate for the applicants raises a point that the incident is alleged to have taken place on 07.12.2024, however, the F.I.R. came to be lodged on 09.01.2025, that means an inordinate delay in lodging the F.I.R., which has not been explained. To this point, it can be stated that the delay alone cannot be the ground for quashment of the F.I.R. Further, the F.I.R. is not an encyclopedia. The delay can be explained at any point of time. The investigation is still going on and therefore, that cannot be the point as canvassed by the applicants.

4. The second point that has been raised is that the alleged conversation between the informant and applicant No.2 is on phone and it is not stated that she had abused the informant in the name of caste and therefore, the ingredients of Sections 3(1)(r) and 3(1)(s) of the Atrocities Act are not getting attracted as against applicant No.2. It is to be noted that as per the F.I.R., the incident had taken place in or in front of Neelam Hotel in Indira Nagar area around 06.00 p.m. It is then stated that the informant was along with Haroon Suleman Shaikh and Rahul Suresh Jadhav.

5. The informant states that when he demanded the money from applicant No.1, applicant No.1 requested for time and extension of time for him from Akshay Domkondwar, employer of the informant. When the informant told that both the things are not possible, at that time, applicant No.1 requested the informant to talk with his mother i.e. applicant No.2 on phone and accordingly, the informant states that he had conversation with applicant No.2. She also requested for extension of time to repay the amount, but when the informant refused, according to the informant, applicant No.2 abused him. Which abuses were given are of course not stated in respect of the caste. However, then, *prima facie*, an offence under the B.N.S. would get attracted against her. After the phone call, then it is

stated by the informant that applicant No.1 abused the informant in the name of caste. He also states that witness Haroon Shaikh then asked the informant to keep calm. It is then also stated in the F.I.R. that one Rahul Shingare, Ajay Dabhade and other persons were present in the hotel, that means there were witnesses, who were present at the time of alleged incident and therefore, the investigation is certainly necessary. The offence is, *prima facie*, getting attracted as the hotel was the public place and the abuses were heard by the independent witnesses. We have no intention to abort the investigation.

6. Learned Advocate for the applicants submits that, in fact, there was a transaction between the employer of the informant and applicant No.1 and it appears that the employer had asked the informant to get the amount from applicant No.1. Instead of request, the informant was giving threats to applicant No.1 and therefore, applicant No.1 had lodged the N.C. complaint on 05.12.2024 with Pundlik Nagar Police Station, Dist. Chhatrapati Sambhajnagar and as a counter blast, then the present F.I.R. has been lodged.

7. Here, we are taking note of the only fact that there is a transaction between applicant No.1 and the employer of the

informant and in the F.I.R., nothing has been suppressed. Of course, this is our *prima facie* observation. Therefore, taking into consideration all these aspects, this is not a fit case where we should exercise our powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The application stands rejected at the threshold.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd