



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

11 CRIMINAL APPLICATION NO. 1926 OF 2025

VISHAL RAMESH SHELKE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Bharat S. Doifode Advocate for Applicant.

Ms. P.R. Bharaswadkar, A.P.P. for Resp. No.1.

...

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

DATE: 30th JUNE 2025

ORDER :

1. Present application has been filed for quashing the First Information Report (for short "the FIR") vide Crime No.39 of 2025 dated 5th April 2025 registered with Fattepur Police Station, Taluka - Jamner, District-Jalgaon for the offence punishable under Sections 74, 75(1), 78, 351(2) of Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Advocate Mr. Doifode for the applicant and learned APP for State.

3. In fact the applicant failed to make the informant as necessary party who should be made when it comes to quashment of the FIR. Yet, we do not find that the matter is worth issuing notice also.

4. Learned Advocate appearing for the applicant submits that the incident is alleged to have taken place on 4th April 2025 at 6.30 p.m. and the fact which is not in dispute is that the applicant runs a Fertilizer Shop ("कृषी केंद्र") in front the house of the informant and the informant was knowing the applicant since last about six years. Now all of a sudden the informant states that since eight days prior to the FIR, the applicant was trying to establish contact with her and was keeping an ill-eye on her. Informant states that on 4th April 2025, around 6.30 p.m., when she was alone in the house and her son was sleeping, the applicant went near her, caught hold of her hand and uttered the words, " मी तुला 10000/- रुपये देतो तु एक रात्र माझ्या जवळ ये". She states that she got frightened and went inside the house and told the said fact to her husband after he returned around 8.00 p.m. On the next day her husband, his sister, her husband and brother-in-law went to ask the applicant as to why he behaved in

such way. At that time the applicant gave threat that he would kill himself and involve them in the crime.

5. Learned Advocate for the applicant submits that in the FIR it is stated that timing of the shop of the applicant has been stated as from 7.00 a.m. to 6.00 p.m., then the question arises as to how the incident would have taken place around 6.30 p.m. The FIR is outcome of political rivalry and therefore, the FIR deserves to be quashed and set aside.

6. Here, the informant has given the timing of the shop of the applicant, but that does not mean that the timing would have been adhered to each day by the applicant. Business cannot be run clockwise. If there is customer in the shop then definitely the shop keeper keeps the shop open till at least existing customer goes out of the shop. Therefore, the difference of half an hour cannot be considered as a ground for quashing the FIR.

7. Secondly, the FIR is based on such facts which cannot be gone into, when it comes to disputed questions of facts. In the application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, we are required to consider the contents of the FIR and

from the contents certainly the offence has been made out and therefore, this is not a fit case where we should exercise our powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita.

8. The Application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JUNE25