



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2455 OF 2024

- 1] **Ashish Madhukar Padghane**
Age 30 years, Occu. Agri,
- 2] **Madhukar Limbaji Padghane**
Age 65 years, Occu. Agri.,
- 3] **Sumedh Madhukar Padghane**
Age 24 years, Occu. Education
All R/o At Rui (Dha).
Tq. Hadgaon Dist. Nanded.
- 4] **Babanrao Ganpatrao Paikrao**
Age 49 years Occu. Agri.,
R/o Niwgha
Tq Hadgaon Dist. Nanded.

*... Applicants
(Orig. Accused)*

Versus

- 1] **The State of Maharashtra,**
Through, Police Inspector,
Police Station, Hadgaon,
Tq. Hadgaon, Dist. Nanded.
- 2] **Vijay Wamanrao Kadam**
Age 45 years, Occu. Agri.,
R/o. At Rui (Dha).
Tq. Hadgaon Dist. Nanded.

... Respondents

...

- Mr. M. M. Parghane, Advocate for Applicants
- Mr. A. D. Wange, APP for Respondent No. 1

...

**CORAM : SMT. VIBHA KANKANWADI
AND
HITEN S. VENEGAVKAR, JJ.**

DATED : SEPTEMBER 24, 2025

JUDGMENT : [PER HITEN S. VENEGAVKAR, J.]

1. Rule. Rule made returnable forthwith and heard finally by consent of both the parties.
2. The present application is filed under Section 482 of Cr.P.C. by the applicants, seeking quashing of FIR bearing Crime No. 0141 of 2023, registered with *Hadgaon* Police Station, District *Nanded* for the offences punishable under Section 294, 323, 504, 506 read with Section 34 of IPC and the consequent charge-sheet bearing SCC No. 282 of 2023, pending before the learned Judicial Magistrate First Class, *Hadgaon*.

Facts of the case –

3. The factual matrix reveals that the informant and the applicants are residents of the same village, namely *Rui (Dha)*, *Taluka Hadgaon*. It is an admitted position that there exists a civil dispute regarding agricultural land between the parties which has been pending before the Civil Judge, Junior Division *Hadgaon*, vide regular Civil Suit No. 24 of 2022, and another R.C.S. No. 250 of 2023, filed by the informant. The FIR alleges that on 27.06.2023 at around 2:00 pm, the informant went to his farm where the applicants were allegedly carrying sowing equipments. Upon questioning, a quarrel ensued during which, according to the informant, the

applicants assaulted and abused him in filthy language and extended threats. On the basis of this complaint, the above FIR was registered and later culminated in filing of the charge sheet.

4. The applicants contend that the entire family of the applicant No. 1 has been falsely implicated due to enmity arising out of the civil land dispute. Applicant No. 4 – *Babarrao Ganpatrao Paikrao* is a student pursuing his education and competitive exam preparation at *Nanded*, approximately 70 kms from *Rui (Dha)*. He was not present at the scene of the alleged incident. It is also contended that the informant has attempted to give a criminal colour to a purely civil dispute with an ulterior motive to harass the applicants.

5. Learned counsel for the applicant submitted that the allegations in the FIR and charge sheet are inherently improbable and do not disclose the commission of any cognizable offence. He pointed out that statements of the purported eyewitnesses recorded under Section 161 Cr.PC. namely *Balaji Kadam*, *Gajanan Kadam*, *Santosh Kadam* and *Tanhaji Kadam* nowhere mentions any physical assault by the applicants on the informant. The witnesses only refer to a verbal altercation which they intervened in and stopped. It was further argued that the Investigating Officer himself had sought CCTV footage from the Good Luck Study Circle, *Nanded* to verify the presence of applicant No. 4 and that the record indicates the

applicants were attending study sessions at *Nanded* at the relevant time. Hence, the question of their presence at the alleged spot of the incident does not arise and becomes doubtful as the further investigation has not been placed in the charge-sheet.

6. The learned APP for the State oppose the application, contending that the charge sheet discloses sufficient material to proceed and the defence of false implication should be tested during trial. Though respondent No. 2 - informant has been duly served, none appears for respondent No. 2.

7. Having heard both the sides and perused the record, it is evident that the core dispute between the parties pertain to ownership and possession of agricultural land which is already the subject matter of civil proceedings before the competent court. The allegations in the FIR appear to stem from this ongoing civil enmity. The statements under Section 161 of Cr.PC. do not disclose any overt act of assault. The witnesses have merely stated that there was a quarrel and that due to their intervention the same was pacified. Such statements do not *prima facie* attract the ingredients of Section 323, 504 or 506 of the IPC against the applicants. The record further reveals that the Investigating Officer had initiated correspondence to obtain CCTV footage from the study institute at *Nanded*, where applicant No. 4 was pursuing his education. There is no material on

record confirming that the applicant was present at the spot on the date and time of the alleged incident. This supports the plea of false implication.

8. It is well settled principle of law by catena of judgments of the Honorable Supreme Court that the criminal proceedings cannot be permitted to be used as a instruments of harassment or to settle a civil score. The parameters laid down in ***State of Haryana versus Bhajan Lal; AIR 1992 SC 604***, squarely applies to the present case, particularly where the allegations do not disclose any cognizable offense and the continuation of proceedings would amount to an abuse of process of law. In absence of any corroborative evidence or recovery supporting the prosecution's version, and considering the civil background of the dispute, it is apparent that the FIR and charge sheet have been filed with *mala fide* intention to pressurize the applicants.

9. Thus, in our view, based on the foregoing discussion, we are satisfied that the continuation of the criminal proceedings against the present applicants would be nothing but an abuse of the process of law. The FIR and charge sheet fail to disclose any prima facie material constituting the alleged offenses. The matter is of predominantly civil nature and no criminal intent can be attributed from the available material. Hence, following order :

ORDER

- A) Rule is made absolute.
- B) Criminal application stands allowed.
- C) The FIR bearing crime No. 0141 of 2023, registered with Hadgaon Police Station, District *Nanded* for the offences punishable under Sections 294, 323, 504, 506 read with 34 of IPC and the charge sheet bearing No. SCC 282/2023 pending before the Judicial Magistrate First Class, *Hadgaon* are hereby quashed and set aside as against all the applicants.
- D) No orders as to cost.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)