



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

50 CRIMINAL APPLICATION NO. 2616 OF 2024

- 1] Ramesh Vitthal Moral @
Ramesh S/o Ankushrao Tidke.
- 2] Sunita Vitthal Morale.
- 3] Vitthal Karbhari Morale.
- 4] Pramila Suresh Ghuge @
Pramila Surykant Ghuge.
- 5] Suresh Bhimrao Ghuge @
Surykant Bhimrao Ghuge.
- 6] Babasaheb Bhimrao Tambade. **... Applicants**

Versus

- 1] The State of Maharashtra.
- 2] Chaitanya W/o Dnyaneshwar Tidke. **... Respondents**

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Mr. Suniket Anil Kulkarni, Advocate for Applicants.

Mr. Mr. V. K. Kotecha, APP for Respondent / State.

Ms. Tanvi V. Jadhav, Advocate for Respondent No.2.

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

DATE : 10th March, 2025.

Per Court:

. Present application has been filed under Section 482 of

the Code of Criminal Procedure for quashing the proceedings in R.C.C. No.67 of 2017, pending before the learned Judicial Magistrate First Class, Vadhwani, District Beed, for the offence punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, arising out of FIR vide C.R. No.125 of 2017, dated 17th June, 2017, registered with Vadhwani Police Station, District Beed, for the offence punishable under Sections 498-A, 323, 504, 506, 147, 148, 149 and 452 read with 34 of the Indian Penal Code.

2 Heard the learned counsel for the applicants as well as the learned APP and the learned counsel for respondent No.2. Taking into consideration their submissions, it can be said that all of them have argued in support of their respective contentions.

3 The first and foremost fact to be noted is that the memo does not contain a single word as to why the applicants are approaching this Court after such a long time. Only delay in filing the FIR cannot be agitated, but when it comes to the part of the accused, he will have to also make a statement as to why he is approaching the Court belatedly, when he intends to invoke the powers under Section 482 of the Cr.P.C. Further, in this case, it can be seen that the charge has been framed and even the evidence is part-heard. The examination-in-chief of PW-1 / informant was taken on 17th December,

2020 and the cross-examination has been completed on 14th February, 2022. Now, we do not want to go into *Roznama*, but it can be considered that it was the Corona pandemic situation and because of which the work of hearing i.e. adducing the evidence was hampered everywhere throughout the country. The evidence of PW-2 has also been recorded on 21st January, 2023 and 9th February, 2023. If we consider the recent *Roznama*, comparatively recent *Roznama*, which has been produced just prior to the date the present application was filed, then on 22nd February, 2024, 22nd March, 2024 and 4th April, 2024, the accused persons were absent. They had not even given application for exemption on 22nd February, 2024. But that was given on subsequent two dates, which appears to have been allowed. There was no hurdle for the Advocate, who was representing the accused, to allow the evidence of further witnesses to be taken even in the absence of the accused persons, as in present case there is no question of identification. From the *Roznama*, it can be seen that no separate application was given for an adjournment. When this is an attitude of the applicants, then the powers under Section 482 of the Cr.P.C. cannot be exercised in favour of such persons. The memo is also silent on the point as to why at the time of framing of charge or prior to that, there was no application on behalf of other accused persons for discharge or submissions that no case is made out for framing the charge. Those accused persons allowed the charge to be

framed against them, thereby indicating that the Trial Court considered that there is a *prima-facie* case for trial against them.

4 The learned counsel for the applicants submits that now applicant No.1, who is the brother-in-law, has received an appointment letter as an Assistant Teacher, Zilla Parishad, and for that purpose his slate should be clear. Basically, he is approaching this Court for this reason. This cannot be the ground for quashing of the FIR as well as proceedings.

5 The application stands rejected.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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