



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

**6 CRIMINAL APPLICATION NO. 2410 OF 2025**

1. Chandrakant S/o. Limbraj Gholve,  
Age : 63 Years, Occu. : Retired API,  
R/o. 28/133, Limbraj Niwas,  
Jijau Chowk, Barshi Naka,  
Dharashiv.
2. Ganesh S/o. Chandrakant Gholve,  
Age : 28 Years, Occu. : Education,  
R/o. 28/133, Limbraj Niwas,  
Jijau Chowk, Barshi Naka,  
Dharashiv.
3. Vishal S/o. Chandrakant Gholve,  
Age : 24 Years, Occu. : Education,  
R/o. 28/133, Limbraj Niwas,  
Jijau Chowk, Barshi Naka,  
Dharashiv.

**.... Applicants**

***VERSUS***

1. The State of Maharashtra,  
Through Police Inspector,  
Anand Nagar Police Station,  
Tq. & Dist. Dharashiv.
2. Investigation Officer/Police Head Constable,  
Pink Squad of Sub Divisional Police Office,  
Dharashiv.
3. Manjushree W/o. Ramesh Gholve,  
Age : 43 Years, Occu. : Household,  
R/o. Datta Nagar, Vaibhav Society,  
Dharashiv.

**.... Respondents**

....  
Advocate for Applicants : Mr. Omprakash D. Mane  
APP for Respondent Nos.1 & 2-State : Mr. N.R. Dayama  
....

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

**Dated : 15<sup>th</sup> July 2025**

**PER COURT :-**

1. The present application has been filed for quashment of the First Information Report (for short "the F.I.R.") and proceedings in R.C.C. No.238 of 2025, pending before the learned Chief Judicial Magistrate, Osmanabad (Dharashiv), arising out of C.R. No.0072 of 2025, registered with Anand Nagar Police Station, Tq. & Dist. Dharashiv, dated 13.02.2025, for the offences punishable under Sections 74, 75(2), 79, 115(2), 352, 351(2), 351(3), 324(4), 324(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Advocate appearing for the applicants submits that there is a property dispute between the informant and the present applicants i.e. the dispute in respect of a plot and under the said circumstance, when the incident is stated to have taken place on 22.01.2025, around 11.30 p.m., the offence came to be registered at 19.27 Hrs. on 13.02.2025. There is an inordinate delay in lodging the

F.I.R. The parties are related to each other, however, only because of the dispute in respect of the property, some exacerbation has been made. Even an application was given on 22.11.2023 to the Mahavitaran i.e. Maharashtra State Electricity Development Corporation Limited regarding the supply of electricity. A Will has been left by the original owner and then, on 20.11.2023, when it was found that the electricity has been taken by adducing false documents, applicant No.1 has lodged the complaint with Police Inspector, Police Station Dharashiv City. Now, intentionally, the dispute, which is of a civil nature, has been tried to be given a criminal colour. Under such circumstance, it would be unjust to ask the applicants to face the trial.

3. Respondent No.2/informant has given the fact that there is a civil dispute, that is pending before the Dharashiv Court since 2023. But, then, she says that her husband expired in 2020 and therefore, she alongwith her daughter are residing in a tin shade on plot No.36, Survey No.102, Datta Nagar, Dharshiv, since about two years prior to the F.I.R. She quotes about the incident that had allegedly taken place at 11.30 p.m. on 22.01.2025, wherein she states that applicant No.1, who is her brother-in-law (brother of husband) came along with his two sons and started abusing and causing

mischievous to her household articles by stating that since the plot has been mutated in their name, she has no concern with the plot. It is stated by her that applicant No.1 assaulted her with kicks and fist and at that time, she was rescued by her daughter. Even applicant No.1 had tried to outrage her modesty. All three persons then again threatened that they should vacate the house, otherwise they would kill them. She also states that as her mental condition was not proper, she had not lodged the report earlier.

4. Now, delay cannot be the sole ground for quashing the F.I.R., but the other facts are also required to be taken into consideration. The informant has stated about the simple hurt and therefore, even absence of the medical certificate cannot be said to be damaging. Her F.I.R. is, *prima facie*, supported by her daughter Rajshri, one Vishwambhar Tukaram Parit, the neighbor, who states that he was informed about the incident by the informant on phone. One witness Wahed Ahmadali Shaikh, then, appears to be the eyewitness, who has stated that he was present in the house, which is opposite the house of the informant and then he had seen the informant beaten by the applicants and threats those were given. Quantity of the evidence is not important, but quality is important and therefore, even when, *prima facie*, one person is supporting the

F.I.R., at this *prima facie* stage, we do not find this to be 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