



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 CRIMINAL APPLICATION NO. 2476 OF 2025

Vinod Kailas Ubale and another
VERSUS
The State of Maharashtra and another

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Advocate for Applicant : Mr. Khedkar Avinash S.
APP for Respondent No.1: Mr. S.A. Gaikwad

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**
DATED : 17th JULY, 2025

PER COURT :-

1. The present application has been filed for quashing and setting aside the F.I.R. vide C.R. No. 271 of 2025 registered on 29.04.2025 with M.I.D.C. CIDCO police station, district Chhatrapati Sambhajinagar, for the offences punishable under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 351(3), 189(2), 190, 352 of Bhartiya Nyaya Sanhita, 2023.

2. Heard learned advocate for the applicants and learned A.P.P. for respondent No.1. Taking into consideration entire scenario and the submissions, there is no necessity at this stage to issue notice to respondent No.2.

3. Learned advocate appearing for the applicants submits that applicant No.1 was accused in earlier F.I.R. i.e. C.R. No. 135 of 2025 registered with Satara police station and he was behind bars for some time. Thereafter, he came to be released on bail by order dated 28.4.2025, by the learned Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Aurangabad and it appears that some person was keeping watch on the activities of applicant No.1 and therefore, he has been again arraigned in another offence. Now alongwith applicant No.1 his father has also been implicated. The informant is Deputy Collector, who has been provided with security. However, still he says that the present applicants alongwith three unknown persons had managed to stop the vehicle of the informant and then by giving threats, the informant was abused in the name of his caste. The incident allegedly has taken place between 1.00 to 1.30 p.m. on 29.4.2025, yet the offence came to be registered at 22.53 hours on that day. The said delay has not been explained when the informant is a powerful person. He also states about the presence of his gunman. Under such circumstances, it was not hard for him to lodge the report immediately. Learned advocate for the applicants also submits that he has CCTV footage showing that he was at a different place i.e. crossing the toll plaza. He therefore, submits that it is necessary to go into the matter and the matter is fit for issuing notice.

4. Here, it is to be noted that the F.I.R. cannot be quashed and set aside on the ground of delay. The investigation is still going on and therefore, delay can be explained at any point of time. Now in the F.I.R. it is also stated that driver of the informant as well as his gunman were present. Framing of the person in any false case will have to be considered on a different parameters. The informant is on the high rank post and has been provided with a gunman. The possibility of witnesses witnessing the incident cannot be ruled out. So also the fair investigation would compel the investigating officer to consider all facts which he would get disclosed during the course of investigation and therefore, at this stage only on the basis of contents of the F.I.R. we are not of the opinion that the case is made out for exercise of power under Section 528 of Bhartiya Nagarik Suraksha Sanhita 2023. The application stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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