



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 CRIMINAL APPLICATION NO. 2858 OF 2025

1. Babu s/o Kisan Karad,
Age 70 years, Occu: Pensioner,
R/o. Tambva, Tq. Karj, Dist. Beed
 2. Ravindra s/o Babu Karad,
Age: 40 years, Occu: Service as
Chief Intelligence Officer,
State Intelligence Department,
Division Solapur,
R/o. Tambva, Tq. Kaij, Dist' Beed,
At present R/o. Bank Colony, Dharashiv,
Tq. and Dist. Dharashiv.
 3. Mangal w/o Babu Karad,
Age: 65 years, Occu: Labourer,
R/o. Tambva, Tq. Kaij, Dist. Beed.
 4. Ashwini w/o Rama Andhale,
Age: 35 years, Occ. labourer,
R/o. Tambva, Tq. Kaij,
Dist. Beed.
- ...Applicants

Versus

1. The State of Maharashtra,
Through Police Station, Kaij,
Tq. Kaij, Dist. Beed.
 2. Jivraj s/o Kisan Karad,
Age : 70 years, Occ. Agril.,
R/o. Tambva, Tq. Kaij, Dist. Beed.
- ...Respondents

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Advocate for Applicant : Mr. V. D. Gunale
APP for Respondent No.1: Mrs. P. R. Bharaswadkar
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 4th AUGUST, 2025**

PER COURT :-

1. The present application has been filed for quashment of the F.I.R. vide C.R. No. 273 of 2025 registered on 24.5.2025 with Kaij police station, district Beed, for the offences punishable under Sections 109, 118(2), 115(2), 352, 351(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. Heard learned advocate for the applicants and learned A.P.P. for respondent No.1. No necessity to issue notice to respondent No.2 at this stage.

3. Learned advocate for the applicants has taken us through the impugned F.I.R. and submits that in fact applicant No.2 had lodged the F.I.R. vide C.R. No. 271 of 2025 on 23.05.2025 at 19.20 hours with the same police station for the offences punishable under Sections 109, 125, 352, 351(2), 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023. The incident had taken place around 7.30 to 8.00 a.m. on 23.05.2025 and in retaliation then the F.I.R. vide C.R. No. 273 of 2025 has been lodged on 24.5.2025 at 17.38 hours. There is family dispute between the informant and the applicants. Applicant No.2 is serving as Chief Intelligence Officer and now stationed at

Solapur. He had given complaints/applications regarding incidents those have taken place in the past so also applicant No.1 had lodged the N.C. compliant with the same police station on several times. However, the police have not taken note of the same and action has not been taken. On 20.05.2025, even applicant No.2 had filed a complaint with the Superintendent of Police, Beed. There is also property dispute, as it appears, between the parties and therefore, when the F.I.R. has been lodged with malafide intention for wrecking vengeance, it would be a fit case where the F.I.R. should be quashed and set aside, as even threat has been given by the informant and his family members that they would see that applicant No.2 would lose his job.

4. Here it is to be noted that as per the F.I.R. filed by applicant No.2, the incident had taken place at 7.30 to 8.00 a.m. on 23.5.2025 in front of his house. The present informant i.e. respondent No.2 is made one of the accused in the said F.I.R.. From the present F.I.R. i.e. C.R. No. 273 of 2025, it can be seen that the informant is aged 70 years. He has given as to how the family is separated and how they are cultivating their lands separately. He has stated that there were disputes between his family and the family of applicant No.1 and the said dispute is in respect of partition. He has stated that around 7.30 to 8.00 a.m. on 23.05.2025 when he was returning to his house from

his field, all the applicants came to him and applicant No.1 asked him as to why he (informant) has lodged the complaint against them with the police station. It was also told that the dispute may get settled at any point of time, but he should take back the complaint which he has made. He then makes a statement that present applicant No.2 had tried to assault on his head but as he avoided the blow and he received it on his right shoulder. He has stated that after his shouts, his family members came and other applicants had assaulted on those family members. He has specifically stated that after the incident, he had gone to police station and the police had referred him to Government Hospital in Kaij from where he was referred to the Government Hospital, Ambejogai. Now delay cannot be the only ground on which the F.I.R. can be quashed and set aside. The delay can be explained at any point of time whether to accept the said explanation would be a different aspect.

5. Thus, after taking a note of both the F.I.Rs. it can be seen that they are cross F.I.Rs. The presence of each others then would be admitted. Under such circumstances, there has to be an investigation in the matter.

6. As regards the dispute between two families is concerned, it is admitted by both of them. Therefore, the case is not even made

out for issuing notice. We do not want to abort the investigation. Hence, the application stands dismissed at the threshold at this stage.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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