



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

927 CRIMINAL APPLICATION NO. 3400 OF 2024

NAGESH NAVNATH SHIRSATH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Shrimant Mundhe, Advocate for Applicants
Mr. S. R. Wakale, APP for Respondent-State
Mr. Chate Amol Vyankati, Advocate for Respondent No.3

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**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ.**

DATED : 16/10/2025.

P. C. :

1. By way of this application, the applicant – Nagesh Navnath Shirsath – is seeking quashment of FIR No. 496 of 2024, registered with Pathardi Police Station, for offences punishable under Sections 327, 341, 143, 146, 147, 148, 149, 323, 504, 506, and 354 of the Indian Penal Code, as well as under Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).

2. Learned counsel for the applicant submits that at the time of the alleged incident, the applicant was on election duty in the Parliamentary Elections, 2022, serving as a Presiding Officer and Polling Officer at Polling Station No. 221, Baramati Lok Sabha Constituency, Pune, and had no connection whatsoever with the present crime. He further pointed out that even the learned Sessions Judge, while granting the applicant anticipatory bail, had directed the Pathardi Police Station not to take any coercive steps against him.

3. Learned counsel further submitted that although the name of the applicant was mentioned in the FIR as Accused No.5, according to respondent No.2 – the victim, the applicant had no involvement in the present offence, and his name was mistakenly included in the FIR instead of one Nagesh Raghunath Shirsath, who, as per the victim, is actually involved in the crime. The victim has also filed an affidavit in reply, clarifying this position.

4. Moreover, upon perusal of the police papers, it is evident that though the applicant's name appears as Accused No.5 in the FIR, but in the supplementary statement of the victim recorded on 08/05/2024 she clarified that the applicant's name was included in the FIR inadvertently and due to a misconception. In the said statement, the victim corrected the name of the accused to Nagesh Raghunath Shirsath instead of the present applicant.

5. Further, on perusal of the charge sheet, it is revealed that the same has been filed against Nagesh Raghunath Shirsath and not against the present applicant.

6. In view of the above, no cause of action survives against the present applicant. Accordingly, the application stands allowed in terms of prayer clause 'C' and FIR No. 496 of 2024, registered at Pathardi Police Station, stands quashed and set aside as against the present applicant.

7. The application is accordingly disposed of.

(MEHROZ K. PATHAN, J.)

(SANDIPKUMAR C. MORE , J.)