



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

931 CRIMINAL WRIT PETITION NO. 1218 OF 2025

1. Amarsingh Devchand Pardeshi,
Age-40 years, Occu- Agri,
 2. Sangita Amarsing Pardeshi,
Age-35 years, Occu-Household,
 3. Harshal Amarsing Pardeshi,
Age-18 years, Occu-Education
 4. Neha Amarsingh Pardeshi,
Age-22 years, Occu- Household,
 5. Nikita Yogesh Pardeshi @ Nikita Amarsing Pardeshi
Age-23 years, Occu-Household,
All R/o. Satgaon, Tq. Pachora,
Dist. Jalgaon
- ...PETITIONERS**

VERSUS

1. The State of Maharashtra,
through Police Inspector,
Police Station Pimpalgaon,
Tq. & Dist. Jalgaon
 2. Yogesh Ishwar Pardeshi,
Age-28 years, Occu-Private Job
R/o. Dambhurni, Post-Chinchpur,
Tq. Pachora, Dist. Jalgaon
- ...RESPONDENTS**
[Resp No.2 Ori. Complainant]

Mr. G. V Wani, Advocate for the petitioners
Mr. K. S. Patil, APP for the respondents/State

CORAM : ABHAY J. MANTRI, J.

DATE : 26th NOVEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of the parties, at the admission stage.

2. By this petition, the petitioners are challenging the order dated 16-04-2025 passed below Exh. 1 in 'B' Summary Application No.20/2024, thereby rejecting the 'B' summary report, by the learned Judicial Magistrate First Class, Jalgaon.

3. The learned advocate for the petitioners during the argument took me through the record more particularly, pursis, impugned order and other papers and submitted that in the pursis, the complainant/respondent No.2 stated that the report lodged by him was correct. In fact, he has not said anything in pursis. However, in the pursis, he has stated that he does not wish to proceed with the complaint and has no objection to accepting the 'B-summary' report. Similarly, the medical report does not show that rat poison was found in the body of the informant. Therefore, the learned trial court erred in observing the same. Consequently, he urged that the impugned order be set aside.

4. On the other hand, the learned APP produced the case papers and pointed out the medical report as well as the 164 statements of the victim and submitted that in view of the 164

statements, the learned judge has passed the order. Therefore, he urged that the appropriate order be passed.

5. On perusal of the record, at the outset, it appears that in para 3 of the impugned order, the learned judge has observed that the respondent No. 2- the original complainant in the pursis submitted that he lodged the report, which was correct. “*However, said observations appear to be incorrect*”. As in the pursis, respondent No. 2 stated only that he does not wish to proceed with the case and has no objection to the B-summary report. I would like to reproduce the contents of the pursis as under:

“सदर केसची नोटीस मला प्राप्त झाली असुन मला यापुढे सदर समरी केस चालविणे नाही. सदर समरी मंजुर करण्यास माझी कोणतीही हरकत नाही.”

6. Bare perusal of the same, it appears that the observations made by the learned trial court are contrary to the contents of the said pursis and therefore, the same cannot be sustained in the eyes of law.

7. Similarly, in paragraph 3, the learned Judge has observed that the medical report shows that rat poison was found in the body of the informant. However, APP shows the treatment summary report dated 17-02-2024 and the certificate dated 22-02-2024. However, none of them indicates that the rat poison was found in the body of the informant. But, the treatment summary dated 17-

02-2024 only denotes the alleged history of consumption of a rat poison and reference to the H. N. Reliance Hospital, Mumbai, for further treatment and the certificate dated 22-02-2024 issued by Dr. Sagar Garud, Vighnaharta Multi Speciality Hospital, Pachora, wherein he mentioned the history of consumption of phosphate and referred to the higher centre. Neither of the medical papers shows that the rat poison was found in the stomach of the informant/victim. Therefore, prima facie, the observations appear to be contrary to the medical papers, which were produced by the APP before this court.

8. Thirdly, peruse the statement under Section 164 of the Cr. P. C. recorded by the learned Magistrate on 27-02-2024. However, the same was not produced before the learned Magistrate who has passed the impugned order. Similarly, the learned Magistrate has not mentioned the statement recorded under Section 164 of the Cr. P. C. Even on perusal of the said 164 statement and FIR, prima facie, it appears that the said statement appears to be contradictory to the FIR lodged by the complainant.

9. Thus, considering the above discussion, at the outset, it appears that respondent No.2-complainant has filed pursis before the learned Magistrate and stated that he does not want to proceed with the case, and he has given no objection to accept the same. Despite the said facts, the learned Magistrate rejected the 'B-Summary'

application. Similarly, before this court, the informant, Yogesh, respondent No. 2, has filed an affidavit in which, in para 3, he states that the police have recorded his supplementary statement, in which he has recorded the correct facts. In para 3, he has noted the same. I would like to reproduce para 3 as under:

“3. I say that the aforementioned report was lodged by me in the heat of anger, as I had a heated exchange of words with the petitioners. Accordingly, I had given my statement to the investigating officer, which was recorded by him. I had stated the true set of facts in the said statement. As such, the investigating officer had filed a B-summary report before the learned Judicial Magistrate First Class, Pachora, Dist. Jalgaon bearing Summary No. 24/2024.”

10. Having considered the above facts and discussion, more particularly the pursis and affidavit in reply dated 06-10-2025, prima facie it appears that the informant/respondent No.2 is not willing to continue with the proceeding/case. Accordingly, he has made a supplementary statement before the police authority, and based on the said report, the police have filed a B-summary report before the learned Magistrate. However, the learned Magistrate erred in rejecting the same based on incorrect observations in para 3 of the order; therefore, in my view, the said order is liable to be quashed and set aside.

11. As such, the criminal writ petition is partly allowed. The impugned order dated 16-04-2025, passed by the learned Magistrate,

Pachora, is hereby quashed and set aside. The matter is remanded back to the learned Magistrate, Pachora, for reconsideration of the B-summary report afresh.

12. Needless to clarify that the learned Magistrate, Pachora, has to consider the said B-summary report within a period of eight weeks from the date of receipt of the copy of this order.

13. The rule is made absolute accordingly. No costs.

14. As a sequel, the registration, if any, of RCC No. 138 of 2025 be de-registered.

[ABHAY J. MANTRI, J.]

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