



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4214 OF 2023

Vishal s/o Arjun Rathod

.. Applicant

Versus

1. The State of Maharashtra
Through Police Inspector, Police Station,
Kannad Rural Dist. Aurangabad.

2. Chitrabai Kailash Jadhav

.. Respondents

...
Mr. A. K. Shingare, Advocate for the applicant.
Mr. V. K. Kotecha, APP for respondent No.1/State.
Mr. S. V. Salunke, Advocate for Respondent No.2.

...

**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

DATE : 03 JANUARY 2025

ORDER :

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the F.I.R. bearing Crime No.106 of 2020 dated 22.06.2020 registered with Kannad Rural Police Station, District Aurangabad as well as for quashing the proceedings in R.C.C. No. 147 of 2022 pending before the learned Judicial Magistrate First Class, Kannad, Dist. Aurangabad for the offences punishable under Sections 143, 147, 148, 323, 324, 323, 504,

506 of Indian Penal Code.

2. Heard learned Advocate Mr. A. K. Shingare for the applicant, learned APP Mr. V. K. Kotecha for respondent No.1/State and learned Advocate Mr. S. V. Salunke for respondent No.2. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. Though it has been tried to be contended that in the FIR lodged by respondent No.2 it is stated that the incident had taken place around 9.00 a.m. on 21.06.2020 in the field belonging to respondent No.2, admittedly the applicant was not present and for that purpose offence is stated to have been lodged under Sections 143, 147, 148, 323, 326, 324, 504, 506 of Indian Penal Code. But the presence of the applicant has been shown in a later incident, which is stated to have taken place in the house of the informant. The informant says that her daughter-in-law Sonubai had then informed about the alleged incident.

4. Though the FIR consists of two incidents, one in the field and another in the house, there is no confusion or suppression by the prosecution in that respect. As regards the second incident

in which the presence of the present applicant is shown, there is statement of witness Sonali Sunil Jadhav, wherein it is stated that when the informant, informant's husband and three children went to police station, the present applicant co-accused Vikas and Dnyaneshwar came inside the house. They caused damage to the door of the house and gave threats. If the Section is not added by the police, the Magistrate has every power and authority to add Section and frame appropriate charge. No case is made out for exercise of power under Section 482 of the Code of Criminal Procedure.

5. Criminal Application therefore stands dismissed.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm