



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No. 48 of 2019

1. Dhanu @ Dhananjay S/o Purushottam @ Baban Ingole, Aged about 40 years, Occ. Service R/o Laigavhan, Gandhinagar, Digras, District Yavatmal
2. Narendra S/o Purushottam @ Baban Ingole, Aged about 37 years, Occ. Advocate R/o Gandhinagar, Digras, District Yavatmal

... Applicants

// VERSUS //

1. State of Maharashtra through Police Station Officer, Police Station Digras, District Yavatmal
2. Sau. Anita Baliram Jadhav, Aged about 25 years, Occ. Household R/o Laigavhan, Gandhinagar, Digras, District Yavatmal

... Non-applicants

Shri R.J.Shinde, Advocate for the applicants.
Shri N.H.Joshi, APP for the non-applicant no.1/State.
Shri A.R.Fule, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 9th JUNE, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By this application, the applicant is seeking to quash and set aside the Charge-Sheet No. 83 of 2018 dated 29th May, 2018 arising out of First Information Report vide Crime No. 55 of 2018 registered for the offence punishable under Sections 294, 323, 506 and Section 34 with Police Station Digras, District Yavatmal.

3. In short, the case of the prosecution is that on the complaint of non-applicant no.2 wherein it is alleged that due to dispute of Dhura (boundaries) in between two agricultural lands, the non-applicant no.2 while she was returning home on completion of her agricultural work, a quarrel took place between them. As a consequence the present applicants threatened and abused her. Accordingly, an offence came to be registered against the present applicants.

4. The applicant challenged the registration of charge-sheet against them by raising ground that on the same day dated 29th January, 2018, he has lodged the complaint at earlier point of time to the complaint of non-applicant no.2 which was registered as Crime No. 0054 of 2018 at Police Station Digras, District Yavatmal. Therefore, as a

counter blast to his complaint, false and frivolous complaint, has been lodged against the present applicants.

5. On the other hand, learned Additional Public Prosecutor strongly opposed the application stating that investigating agency has completed the investigation and collected material which *prima facie* shows constituting allege offence against the applicants. Therefore, it is submitted that this is not a fit case to set aside the criminal proceedings registered against the present applicants.

6. Non-applicant no.2 supported the submission of the learned Additional Public Prosecutor and stated that *prima facie* applicants are involved in the alleged offence and therefore this is not a fit case to interfere by this Court at this stage.

7. We have considered the rival submissions made by the parties and perused the record. We have also gone through the charge-sheet and the documents collected by the investigating agency in the matter.

8. It is clear from the record that on 29th January, 2018, the present applicants lodged a report with the Police Station Digras, District

Yavatmal at 19.40 hours. It is alleged by the present applicants that around 17.30 hours, the non-applicant no.2 and other two persons called them out from their agricultural field and abused them at public place. As such, on the basis of said complaint, the offence under Sections 294, 323, 506 and Section 34 of Indian Penal Code was registered against the non-applicant no.2. Thereafter, the non-applicant no.2 lodged police complaint against the present applicants on 29th January, 2018 at 22.03 hours at Police Station Digras, District Yavatmal.

9. From the record, it is seen that there is an old dispute between parties about the boundaries of agricultural field. The non-applicant no.2's husband made complaint to the Tahsildar about the encroachment by the present applicants on their land. However, the learned Tahsildar rejected the said application. Therefore, there is a reason to believe that out of civil dispute, counter police complaints were lodged against each other in the present matter.

10. It is also pertinent to note that though it is alleged by the non-applicant no.2 that around 11 am on 29th January, 2018 she was abused by the present applicants, surprisingly against that instance, she did not

lodge the complaint nor made grievance about the same immediately to anyone in her family.

11. In the police report, she alleged that at around 6 pm when she was on her way to return her house, the present applicants intercepted her way and abused her in filthy language and slapped her. However, the perusal of the charge-sheet and the injury report shows that the nature of injury caused to the non-applicant no.2 is of a lower back pain and injury was caused by hard and blunt object. As such, it is clear that nature of injury does not seem to be caused in the incident dated 29th January, 2018, therefore allegation do not found trustworthy.

12. It is also revealed from the record that civil dispute about the boundaries of agricultural field between applicants and non-applicant no.2 is going on since last several years. As such, the present complaint seems to be with an ulterior motive to implicate the applicants out of their enmity. Hence, considering the entire documentary evidence available on record, we are of the opinion that the allegations made against the present applicants are not found to be trustworthy to attract

the offence as alleged and is an attempt to counter blast, the earlier complaint lodged by the present applicants.

13. In view of the aforesaid reasons, it is a fit case to exercise the inherent powers to quash and set aside the present application. Accordingly, we proceed to pass the following order.

ORDER

- i. Criminal application is allowed
- ii. The charge-sheet No. 83 of 2018 dated 29th May, 2018 arising out of First Information Report No. 55 of 2018 dated 29th January, 2018 for the offence punishable under Sections 294, 323, 506 Section 34 of Indian Penal Code at Police Station Digras, District Yavatmal is hereby quashed and set aside against the applicant no.1 – **Dhanu @ Dhananjay S/o Purushottm @ Baban Ingole** and applicant no.2 -**Narendra S/o Purushottam @ Baban Ingole**.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]