



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.327 OF 2022

- APPLICANT(S)** : 1) **Vasant S/o Bajirao Borkute**
Aged about 60 years, Occu. pensioner
R/o Wakadi Ta. & Dist.Gadchiroli.
- 2) **Ganesh S/o Vijay Borkute**
Aged about 26 years, Occu. Agriculture
R/o Wakadi Ta. & Dist. Gadchiroli
- 3) **Tushar S/o Anil Borkute**
Aged about 28 years, Occu. Agriculture
R/o Wakadi Ta. & Dist. Gadchiroli
- 4) **Archana W/o Ravindra Borkute**
Aged about 35 years, Occu. Houshold R/o
Wakadi Ta. & Dist. Gadchiroli
- 5) **Ravindra S/o Jagannath Borkute**
Aged about 40 years, Occu. Agriculture
R/o Wakadi Ta. & Dist. Gadchiroli

..VERSUS..

- NON-APPLICANT(S)** : 1) **State of Maharashtra**
Through Police Station Officer, Police
Station Gadchiroli, Ta. Dist. Gadchiroli.
- 2) **Savita W/o Bhaskar Chaudhari**
Aged about 32 years, Sarpanch Gram
Panchayat Wakadi, Taluka and District
Gadchiroli.

Mr. V.N. Morande, Advocate for Applicant/s.
Ms Harshda Prabhu, APP for the non-applicant/State
Mr. Anup Dhore, Advocate for the non-applicant No.2

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

DATE : **10.06.2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.
2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.
3. This is an application filed under Section 482 of the CrPC for quashing and setting aside the charge-sheet No.08 of 2024 dated 15.01.2024, arising out of the First Information Report (FIR) No.1034 of 2021 dated 16.12.2021, registered with Police Station Gadchiroli, for the offences punishable under Sections 354, 143, 147, 149, 323 and 447 of the IPC.
4. The background for the said FIR is that on 13.12.2021, the non-applicant No.2 lodged a complaint with the police, stating therein that on 11.12.2021 at 11.00 am when they attended parents' meeting, which was scheduled at ZP school Wakadi to constitute a School Administration Committee, in the said meeting, a dispute between Prabhakar Chaudhari and Satyawar Barsagade had taken place. It is alleged that Prabhakar Chaudhari abused to Satyawar Barsagade on his caste. The complainant further states that

thereafter, the non-applicant No.2 and her family members went back to their home, when the present applicants came and they forcefully entered into her house and abused her in filthy language. She was dragged out of her house and assaulted her and her husband so also her son.

5. However, she improvised her story in the statements given to the police on 16.12.2021. As far as the first part of the story, which refers to the dispute between Prabhakar Chaudhari and Satyawar Barsagade, the same was maintained, however, the second part was improvised.

6. As per the record, a preliminary inquiry was conducted and a report of the same was submitted on 16.12.2021, which is the basis for the registration of the offence.

7. The learned counsel for the applicants submits that the non-applicant No.2 was the Sarpanch. It is submitted that she lodged the false complaint, as Satyawar Barsagade is her close associate to whom one Prabhakar Chaudhary abused.

8. The learned APP strongly opposed the application and submits that there are witnesses to the incident, therefore,

this is not a fit case for quashing of the FIR.

9. The learned counsel for the non-applicant No.2 reiterated the submission made by the learned APP and submits that there is a dispute between the parties and out of the said dispute, the applicants abused the complainant and assaulted her and her family members.

10. Since it is not made clear about the reason or the motive or intention of the applicants to go to the house of the complainant and to abuse her and assault her, we ask a specific query to the learned counsel for the non-applicant No.2 to point out the same from the complaint or the statement of the non-applicant No.2 or the witnesses recorded by the police. He could not point out any material which would suggest that there was any dispute taken place before the alleged incident, which gave cause to the applicants to go to the house of the non-applicant No.2 and commit the alleged offence.

11. In the record, there is nothing to suggest or show what was the reason behind the commission of the alleged offence by the applicants.

12. Even if it is considered that there was any rivalry, the same is not stated in the complaint or nothing is brought on record to *prima facie* show that there was any incident took place in a proximity of time to the alleged incident, which gave rise to the alleged incidence.

13. In the said backdrop, we find substance in the submission of the learned counsel for the applicants that since Satywan Barsagade is close to non-applicant No.2 and as he was abused in filthy language on his caste in the meeting held on 11.12.2021 in the school, the non-applicant No.2 lodged the complaint to falsely implicate the applicants.

14. In absence of any such intention or motive to commit such offence, we are of the opinion that a possibility of false implication of the applicants in the alleged incident cannot be ruled out.

15. Interestingly, even in the preliminary inquiry which was made by the police, there is no reference of any dispute between them prior to the alleged incident, which can be said to be a reason for commission of alleged offence by the

applicants.

16. In the circumstances, if the trial Court is permitted to continue the trial, it would be an abuse of process of law. In the said backdrop, though the learned APP and the learned counsel for the non-applicant No.2 strongly opposed the application, we are of the considered view that this is a fit case for quashing and setting aside the charge-sheet against the applicants. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The charge-sheet No.08 of 2024 dated 15.01.2024, arising out of the First Information Report (FIR) No.1034 of 2021 dated 16.12.2021, registered with Police Station Gadchiroli, for the offences punishable under Sections 354, 143, 147, 149, 323 and 447 of the IPC, is hereby quashed and set aside, against the present applicants only.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)