



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

CRIMINAL APPLICATION [APL] NO.586 OF 2022

[Shrikrushna Harishchandra Dhoran .vs. State of Maharashtra and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Rai, Advocate for Applicant.
Shri G.S. Umale, APP for Non-Applclicant No.1/State.
Shri G.R. Dhole –Non-Applclicant No.2-In Person.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : 09.06.2025.

P.C.

1. The present applicant who is charge-sheeted for offence under Sections 294 and 323 of the Indian Penal Code vide Crime No.264/2021 registered with Police Station, Malkapur (Rural), District-Buldhana questioned the registration of crime on the ground that the complaint is nothing but counter blast to his earlier report given by his wife against the present non-applclicant no.2. Hence, he prayed for quashing and setting aside the chargesheet filed against him.

2. Learned Additional Public Prosecutor strongly opposed the application stating that on 19.10.2021 there was a scuffle on account of scattering of crop of soyabean on the public road at the instance of non-applclicant no.2 and there were injuries caused to non-applclicant no.2. Furthermore, by conducting investigation, chargesheet is filed in the matter and, therefore, it is not a fit case for interference at this stage in the matter.

3. Non-Applicant No.2 supported the submission of the prosecution and stated that by conducting investigation clinching material is collected against the applicant and, therefore, this court should not exercise its inherent powers in the matter.

4. We have considered the rival submissions of the parties and also perused the record in the matter.

5. Prima facie, it is clear from the record that there is a long dispute going on between the parties before the Charity Commissioner, Amravati and various documents in that regard are placed on record by Non-Applicant no.2. Non-applicant No.2 is claiming to be ancestors of the owner of temple, whereas applicant is stating that he being the Priest of the temple is residing legally in the temple premises.

6. In respect of incident dated 19.10.2021, it is alleged by Non-Applicant no.2 that when he was scattering crop of soyabean on the public road for drying, at that time, the applicant has obstructed him from scattering of crop on public road. On that count, there was verbal altercations between them and the same was resulted into the scuffle. From the chargesheet, it is clear that Non-Applicant No.2 caused injuries and injury certificate was collected by Investigating Officer which states that Non-Applicant No.2 has sustained injuries of abrasion on scalp, abrasion on right cheek and swelling at right ankle and jaw. This fact is itself sufficient to demonstrate that on 19.10.2021 there was a scuffle and out of that scuffle, Non-Applicant no.2 received injuries. Hence, prima facie, offence punishable under Sections

294, 323 and 506 r/w 34 of the Indian Penal Code is attracted in the matter.

7. In addition to this, learned Additional Public Prosecutor pointed out that the statements of independent witnesses are recorded in the matter. All statements specifically state that on the date of incident there was a scuffle and applicant had abused Non-Applicant no.2.

8. In view of material collected by Investigating Officer, we are satisfied that this is not a fit case for exercising jurisdiction under Section 482 of the Code of Criminal Procedure. So also as per the settled position of law, this court is not expected to consider the defence of the applicant and further cannot conduct the mini trial to evaluate the evidence from the record to find out the truthfulness or otherwise of the allegations levelled by the prosecution against the applicant. Hence, for the aforesaid reasons, the application is **rejected**.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)