



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

Criminal Application (APL) No.760/2024

[Sachin V State of Maharashtra and another]

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

Court's or Judge's orders

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Mr. N.R. Tekade, Advocate for applicant.  
Mr. Chutke, APP for State.

Coram : Anil S. Kilor and Pravin S. Patil, JJ.  
Date : 25-03-2025.

In the present application, challenge is raised to the chargesheet bearing no.9/2019 dated 23-01-2019 filed against the present applicant for the offences punishable under Sections 354, 323, 294, 506 of the Indian Penal Code

ii. Along with chargesheet the Investigating Officer filed statements of the witnesses, who are of labourers and were present at the spot. Their presence can be seen from the FIR itself, wherein the informant herself stated that work of compound wall was going on.

iii. Interestingly, none of the witnesses discloses such incident.

iv. Furthermore, though in the FIR there is a mention that of her husband's presence, a statement of the husband was not recorded.

v. Except the statement of the informant, no material was available on record with the chargesheet to show that any such incident took place.

vi. It has come on record that there is enmity between the applicant and the informant and they are neighbours. Thus, we find substance in the submission of learned Counsel for the applicant that the applicant has been falsely implicated in the alleged offence.

vii. In this view of the matter, considering the judgment of the Hon'ble Supreme Court of India in the case of *State of Haryana and others vs Bhajan Lal and others*, reported in *1992 Supp (1) SCC 335* and the principles laid down in the same for quashing of FIR or chargesheet, we are of the opinion that the applicant has made out a case for quashing of the chargesheet.

viii. Accordingly, the application is allowed. Chargesheet bearing no.9/2019 dated 23-01-2019 filed against the present applicant for the offences punishable under Sections 354, 323, 294, 506 of the Indian Penal Code is quashed and set aside.

(Pravin S. Patil, J.)

(Anil S. Kilar, J.)