



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

CRIMINAL APPLICATION [APL] NO.1145 OF 2023

[Krunal s/o Devashwar Kale .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 A.O. Shriwas, Advocate for Applicant.
Shri Amit Chutke, APP for Non-Applicant no.1/State.
Shri A.S. Tiwari, Advocate for Non-Applicant No.2.
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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.

DATE : MARCH 25, 2025.

This is an application under Section 482 of the Code of Criminal Procedure for quashing of First Information Report No.608/2023, dated 02.08.2023 registered at Police Station Hudkeshwar, Nagpur City for the offences punishable under Section 325, 294, 323 and 506 of the Indian Penal Code.

2. It is submitted that while a lady was taking u-turn on a busy square, the informant asked her to take precaution while taking u-turn, so that the others should not meet with an accident. Thereupon, it is alleged that the applicant assaulted the informant and abused him in filthy language.

3. The learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He further pointed out the medical examination report of the informant and submits that the injuries recorded in the report are of simple nature and not grievous and, therefore, Section 325 of

the Indian Penal Code will not attract in this case. He further submits that there is a delay of one day in reporting the matter to Police. He accordingly prays for quashing of the First Information Report.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application. He points out the explanation given in the First Information Report about such delay and submits that even if the simple injuries were noticed on the person of the informant, the offence under Section 323 of the Indian Penal Code will attract. He further points out that the offence is also under Section 294 of the Indian Penal Code and for the same sufficient material is there and even on the face of first information report, *prima facie* it can be seen that the offence is made out under Section 294 of the Indian Penal Code. He, therefore, submits that this is not a fit case for quashing of the First Information Report.

5. The learned counsel for the respondent no.2 informant reiterates the submission made by the learned Additional Public Prosecutor and prays for the dismissal of the present application.

6. Having gone through the chargesheet and the allegations made in the first information report along with the material collected during the investigation and submitted along with the chargesheet, *prima facie*, we are of the opinion that the offence is made out against the applicant. There are allegations of assault and use of filthy language by the applicant.

7. Since *prima facie* the offence is made out, we are of the opinion that this is not the fit case for quashing of the First Information Report in question. Accordingly, the application is rejected.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

Gulande