



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

CRIMINAL APPLICATION (APL) NO. 1574/2023

Ganpat S/o. Bhimrao Gite,
(Husband of non-applicant No.2)
Aged about 58 yrs., Retired,
R/o. Rajanda, Tah. Barshitakli,
Dist. Akola.

...APPLICANT

VERSUS

1. State of Maharashtra,
through its Police Station Officer,
Police Station, Khadan, Dist. Akola.
2. Sou. Shobha w/o. Ganpat Gite (wife),
Age 50 years, Occ. Business,
R/o. VHB Colony, Gorakshan Road,
Akola, Tah. & Dist. Akola.

NON-APPLICANTS

Ms. M.M. Ghatode, Advocate for applicant.
Mr. S.S. Doifode, APP for non-applicant No.1/State.
Mr. P S. Wathore, Advocate for non-applicant No.2.

CORAM : ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATE : 19.08.2025

ORAL JUDGMENT : (PER: ANIL L. PANSARE , J.)

Heard.

2. Issue Rule, returnable forthwith. Mr. S.S. Doifode, learned APP waives service for non-applicant No.1-State and Mr. P. S. Wathore, learned counsel waives service for non-applicant No.2. With the consent of learned counsel for the parties, the application is taken up for final hearing.

3. The application is filed to quash the proceedings being Sessions Trial No.69/2017. The non-applicant No.2 wife lodged report against the applicant vide Crime No.468/2016 for the offences punishable under Sections 307, 498-A, 504, 506 of the Indian Penal Code ("IPC"). The investigation was carried out and charge-sheet came to be filed for the said offences.

4. Amongst various offences, we called upon the learned counsel for applicant to show us evidence for the offence punishable under Section 307 of the IPC, to which we did not get response, instead the counsel made submissions as regards other proceedings those were/are filed by the non-applicant No.2. Since we did not get satisfactory answer from the

counsel for applicant, we switched on to learned APP and also the learned counsel for non-applicant No.2 to show us the evidence on the point of offence punishable under Section 307 of the IPC.

5. Our attention is invited to the report lodged by the non-applicant No.2. The sum and substance of the report is that on 10.11.2016, the applicant has allegedly assaulted non-applicant No.2. He slapped her and assaulted by fist and blow, so also by wooden stick. She sustained injuries on face, left eye, thigh, knee, right hand, elbow, left shoulder and other parts of the body. The applicant has then poured kerosene on her person and made an attempt to kill her. At that time, her son and neighbours made an attempt to separate the applicant and to pacify the incident. Similar are the statements of other witnesses.

6. Learned APP has also invited our attention to the injury certificate. The injury certificate indicates multiple injuries like abrasion on lateral eye, abrasion on left thigh,

minor abrasion on knee, blunt trauma to shoulder joint and blunt trauma on hand. Certificate also refers to smell of kerosene. Learned APP submitted that the report certifies that the material poured on the person of non-applicant No.2, was kerosene.

7. Considering the aforesaid allegations coupled with the medical evidence and the statement of witnesses, if the same are accepted to be true, we find it difficult to quash the proceedings. Whether the act alleged would ultimately amount to attempt to murder or not will only be revealed, once the trial is concluded. At this stage, on the basis of the material placed before us, we find that the offence alleged against the applicant is spelt up. In any case, this is not a case where inherent jurisdiction should be invoked. The application is accordingly rejected.

(M. M. NERLIKAR , J.)

(ANIL L. PANSARE, J.)