



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

CRIMINAL APPLICATION NO.346 OF 2025

1. Ashu s/o Nanak Jethani, age : 33 years,
Occ. : Business.
2. Amit s/o Mahesh Jethani, age : 29 yrs,
Occ. Business,
3. Vinod s/o Ramchand Jethani, Age : 56
yrs, Occ. Business,
4. Manish s/o Vinod Jethani, age : 27 yrs,
Occ. : Business.

All are resident of Plot No.49 to 52
Opposite to Radha Krishna Mandir,
Sindhi Colony, Khamla, Nagpur 440025.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police
Station Rana Pratap Nagar, Nagpur.
2. Vijay s/o Amarlal Hemnani, age : 46
yrs, Occ. : Busines, R/o Plot No. 342,
Near Shiv Mandir Sindhi Colony,
Khamla, Nagpur.

... NON-APPLICANT(S).

Shri D.M. Jethani, Advocate for the applicants.
Shri A.B. Badar, Addl.PP. for the State.

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

DATE : 03.04.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

Heard.

2. By this application, the applicants are challenging the criminal proceedings registered vide R.C.C. No.2577 of 2020 pending on the file of Judicial Magistrate First Class, Nagpur arising out of Crime No. 347 of 2019 registered with the Ranaprataap Nagar Police Station, Nagpur City for the offence punishable under Sections 324, 325 read with Section 34 of the Indian Penal Code.

3. In short it is the case of the prosecution that informant lodged the complaint by stating that on 23.08.2019 at around 12.00 noon when he was on his way to Gurudwara for prayer, at that time due to previous enmity, the applicants intercepted his way and started abusing him. At that time, present applicants beaten the informant by wooden sticks and gave fists blows and kicks. As a result, the informant caused injuries to his both hands, legs and face. On medical examination his right hand found to be fractured due to the assault by

the applicants.

4. The applicants' ground to challenge is that applicant no.1 had given handloan of Rs.14 lakhs to the informant. Due to non payment of the same one criminal proceeding is pending between them. As such, to give counter blast to the criminal proceeding filed by them, false complaint has been lodged by the informant. On this sole ground, the applicants prayed for quashing of the criminal proceedings registered against them.

5. We have perused the record as well as charge-sheet. It is clear from the charge-sheet that after the incident dated 23.08.2019, non-applicant no.2/ informant was referred to the Orange City Hospital and Research Institute. It is transpired from the injury report that non-applicant no.2 caused blunt injury at right elbow and other surface injuries. As such, it is clear that on 23.08.2019 the assault was made on non-applicant no.2 by the applicants.

6. As per the settled principles of law, we are not supposed to conduct the mini trial while exercising the power under Section 482 of Code Of Criminal Procedure ('CrPC'). It will be apt to refer the decision

of the Hon'ble Supreme Court in the case of ***Rajiv Thapar and ors vs. Madan Lal Kapoor (2013) 3 SCC 330***. In this case, the principles of law about the exercise of inherent powers under Section 482 of the CrPC has been discussed and specifically laid down that the High Court should exercise powers only after satisfaction that material produced by the accused lead to conclusion that the defence is based on sound, reasonable and indubitable. The material produced by the accused must ruled out the assertion contained in the charges levelled against him.

7. The case in hand do not satisfy us to invoke the jurisdiction particularly for the reason that the Investigating Officer after conducting thorough inquiry placed on record the material which *prima facie* shows that there was an assault on the informant on 23.08.2019.

8. It is further pertinent to note that the FIR has been lodged on 23.08.2019 and charge-sheet has been filed on 14.09.2020. The proceedings bearing R.C.C. No.2577 of 2020 is now at the stage of evidence before the Judicial Magistrate First Class, Nagpur. In such circumstances, we are of the considered view that it is not a fit case to

interfere with at this stage when matter is fixed for evidence before the trial Court.

9. For the aforesaid reason, we are not inclined to interfere in the matter, hence, the application is rejected.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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