



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.436/2025

1. Kunwarlal S/o. Debilal Rahangdale,  
Aged about 29 years, Occu: Agriculturist
2. Debilal S/o. Diwanji Rahangdale  
Aged about 55 years, Occu: Agriculturist
3. Hiwarlal S/o. Debilal Rahangdale  
Aged about 24 years, Occu: Agriculturist
4. Sau. Fulwanta Debilal Rahangdale  
Aged about 50 years, Occu: Agriculturist
5. Ganesh S/o Mohan Turkar, aged about  
43 years, Occu: Agriculturist

All R/o. Sukli (Nakul), Tahsil: Tumsar,  
District Bhandara.

... APPLICANTS

...VERSUS...

1. State of Maharashtra,  
Police Station Officer, Sihora, Tahsil:  
Tumsar, District Bhandara.
- 2) Sunil S/o. Shobhelal Kohle,  
Aged about 24 years, Occu: Agriculturist,  
R/o. Sukli (Nakul), Tahsil: Tumsar,  
District Bhandara.

...NON-APPLICANTS

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Shri Soumitra Paliwal, Advocate for applicant  
Ms H.N. Prabhu, APP for non-applicant No.1/State  
Ms Priyanka Athale, Advocate for non-applicant No.2

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**CORAM : URMILA JOSHI-PHALKE AND  
NANDESH S. DESHPANDE, JJ.**

**RESERVED ON : 10.10.2025**  
**PRONOUNCED ON : 06.11.2025**

**JUDGMENT (PER : NANDESH S. DESHPANDE, J.)**

Heard. **Admit.** Heard finally with the consent of learned Counsel for both the parties.

2. This is an application filed by the applicant seeking to quash the First Information Report No. 0152/2024, dated 14.06.2024, registered by the non-applicant No.1, Police Station Sihora, District Bhandara, against the applicants, for the offences punishable under Sections 143, 504, 506 and 188 of the Indian Penal Code and the subsequently registered Summary Criminal Case No. 817/2024, pending before the learned Judicial Magistrate First Class, Tumsar.

3. The facts as stated in the First Information Report are as under :

The non-applicant No.2 filed a complaint before the non-applicant No.1 on 14.06.2024, that he was taking coaching classes in the village of Sukli (Nakul), Tahsil Tumsar, District Bhandara, and for the said reason was looking for a separate room, in view of that he approached one Arjun Sarode and his wife (said Arjun Sarode is accused No.6 in the charge-sheet). As their house was adjacent to non-applicant No.2's house, and was vacant as they were residing at Nagpur. The non-applicant No.2, accordingly asked Arjun Sarode to rent the said property to him for running coaching classes. However, Arjun Sarode and his wife agreed to hand over the property for running the coaching center without any rent/fee, but stated that the non-applicant No.2 would maintain the said property. It is further stated in the First Information Report that the non-applicant No.2 had financially assisted Arjun Sarode, from time to time, as demanded by him, and he owed an amount of Rs.45,000/- approximately. It is further stated that in November, 2022, said Arjun Sarode was intending to sell the house, and accordingly offered the same to the non-applicant No.2 for an amount of Rs.3,50,000/-. Accordingly, an agreement was entered into between the parties on 15.11.2022. On the basis of this

agreement, the non-applicant No.2 alleged that he paid Rs.2,65,000/- to Arjun Sarode in cash, and it was agreed that the remaining amount of Rs.85,000/- would be paid at the time of sale-deed.

4. It is further stated that in the month of February, 2023, however, said Arjun Sarode showed his unwillingness to sell the property, and further showed his readiness to return the amount to non-applicant No.2. However, since the non-applicant No.2 was not ready to accept the amount, further transactions could not be materialized. It is further alleged that on 23.11.2023, at around 6:00 p.m., when the non-applicant No.2 went to the said room of coaching classes, he saw Arjun Sarode and his wife Shobha Sarode, were inside the room. Said wife of Arjun Sarode verbally abused him, which prompted the non-applicant No.2 to file a complaint against her at the Police Station. It is further alleged that on the next day, said Shobha Sarode threw away the items from the coaching classes, and the said couple tried to take forcible possession from non-applicant No.2. It is further stated that despite being asked to vacate, the applicants claimed that the house belong

to them and they abused the non-applicant No.2. On filing of such complaint to the non-applicant No.1, the applicants left the property. On the basis of these allegations, the First Information Report came to be registered on 14.06.2024 against the applicants and Arjun Sarode under various sections as mentioned above. It is this First Information Report and the Summary Criminal Case, which are challenged in the present proceedings.

5. We have heard Shri Soumitra Paliwal, learned Counsel for the applicant, Ms H.N. Prabhu, learned Additional Public Prosecutor for the non-applicant No.1/State, and Ms Priyanka Athawale, learned Counsel for the non-applicant No.2.

6. Learned Counsel for the applicant submits that a plain reading of the First Information Report, along with the charge-sheet, does not show any case being made out against the present applicants, as no dispute occurred between the applicants and the non-applicant No.2. He therefore states that, only to somehow implicate the present applicants, they have been named in the First Information Report. In other words, it is the submission of the

learned Counsel for the applicants that continuance of proceedings against them would be an abuse of the process of the Court and therefore, the proceedings are liable to be quashed.

7. Per contra, learned Additional Public Prosecutor submits that the offences complained of were squarely made out from the averments made in the application. The Learned Counsel for the non-applicant No.2 also supports the learned Additional Public Prosecutor.

8. We have given our anxious consideration to the matter at hand. As can be seen from the First Information Report, the role attributed to the applicants is only their alleged presence on the date of incident i.e. on 23.11.2023. It is further stated that they have violated the order of the Civil Court. It will be relevant to reproduce the order of the Civil Court i.e. Civil Judge Junior Division, Tumsar, (which is reproduced by the applicant in paragraph No. 20 of the application) passed in Regular Civil Suit Case No. 22/2023.

- “1. The application is allowed.*
- 2. The defendants or anybody on their behalf are*

*temporarily restrained from disturbing the possession of the plaintiff over the suit property and from alienating the suit property to anybody else till the decision of the suit.*

3. *Cost in cause.*

4. *Parties to expedite the matter.”*

9. It is thus the principal grievance that the order stated supra has been violated. We are unable to convince ourselves that the violation of the order of the Civil Court would attract the offences as mentioned under various sections of the Indian Penal Code. There are no material particulars to attract the offences under Sections 143, 504, 506, and 188 of the Indian Penal Code.

10. We are of the considered view that the non-applicant No.2 with an oblique motive has lodged the present First Information Report, and the consequent charge-sheet has been filed by the Investigating Agency thereafter. No offence, much less as mentioned under the various sections of the Indian Penal Code, is attracted in the present case. If the non-applicant No.2 is aggrieved by the non-compliance/violation of the injunction order passed by the Civil Court, he has other remedies open in law. But lodging of the First Information Report, as in the present case would certainly not be a

remedy. It is therefore clear that the lodging of the First Information Report and consequent proceedings arising therefrom are nothing but an abuse of the process of the Court.

11. As stated by the Hon'ble Supreme Court in ***State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) SCC 335***, we are guided by the parameters laid down in paragraph No. 102 of judgment and more particularly Clause 1, 3 and 7 thereof :

*"102.....*

*(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

*(2) ...*

*(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

*(4) ....*

*(5) ...*

*(6) ...*

*(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

12. In that view of the matter, we are of the considered opinion

that the present case would certainly fall within the parameters laid above by the Hon'ble Supreme Court and which had been followed in many judgments subsequently. It would be therefore a fit case to quash the First Information Report and the summary Criminal Case arising therefrom. Therefore following order is passed:

**ORDER**

- i) The application is allowed.
- ii) The First Information Report No. 0152/2024, dated 14.06.2024, registered by the non-applicant No.1, Police Station Sihora, District Bhandara, against the applicants, for the offences punishable under Sections 143, 504, 506 and 188 of the Indian Penal Code and the subsequently registered Summary Criminal Case No. 817/2024, pending before the learned Judicial Magistrate First Class, Tumsar, are hereby quashed and set aside.
- iii) Parties to bear their own costs.

13. The application is disposed of. Pending applications, if any, shall stand disposed of.

**(NANDESH S. DESHPANDE, J.)**

**(URMILA JOSHI-PHALKE, J.)**

*Jayashree..*