



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 525 OF 2025

Prashant s/o Ashok Satralkar,
aged about- 59 years, Occ Service,
R/o-All Saint House, Opp VCA
Ground, Sadar, Nagpur.

... APPLICANT

...VERSUS...

1. State of Maharashtra, Through
Police Station Sadar, Nagpur.
2. Aradhana w/o Vishwanath
Upadhyay, Aged about 54 years,
R/o-48, Suraj Nagar, Gorewada
Ring Road, Nagpur

...NON-APPLICANTS

Shri Bhupesh Patel, Advocate h/f Shri Kabir Jamb, Advocate for applicants
Shri A.G. Mate, APP for non-applicant No.1/State
Shri Mir Rizwan Ali, Advocate for non-applicant No.2

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

DATED : 16.12.2025

JUDGMENT (PER : URMILA JOSHI-PHALKE, J.)

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

2. By this application filed under Section 482 of the Criminal Procedure Code, the applicant is seeking quashing of the charge-sheet No. 93/2024 dated 20.06.2024, vide Crime No. 0366/2020, filed against the applicant and other co-accused for the offence punishable under Section 143, 147, 148, 149, 323, 294, 323, 352, 427, 448, 452, 504, 506 (2) of the Indian Penal Code, as also, Regular Criminal Case No. 2292/2024.

3. It is the case of the prosecution that the informant is the Director of the Institution known as Church of North Indian Social Service Institution. The informant is working in the said institution. It is further case of the informant that the accused entered the premises of the institute admeasuring 400 sq.ft. and started demolishing wall of the institute. It is further alleged that the accused abused the informant in a filthy language and assaulted her. It is further alleged that they found an unlawful assembly with a common intention to commit the alleged offence.

4. We have heard the learned Counsel for the respective parties. Learned Counsel for the applicant points out that except the vague allegation that the applicant abused the informant in a filthy

language, there is no role attributed to the applicant in the alleged offence. He also pointed out that with the similar allegations that the daughter of the applicant was also and implicated as an accused whose application is already considered by this Court in Criminal Application No. 397/2020. The similar role is attributed to the present applicant, in view of that application deserves to be allowed. He also pointed out that even in a supplementary statement, no role is attributed to the applicant. He further points out that as far as the allegations as regards the unlawful assembly is concerned, there is no material to show that there was any common intention. He accordingly prays for quashing of the charge-sheet.

5. Learned Additional Public Prosecutor and the learned Counsel for the non-applicant No.2 strongly opposed the said application. It is submitted that there is sufficient material to show prima facie complicity of the applicant in the present crime, and he therefore submits that this is not a fit case for quashing of the charge-sheet.

6. In view of the submissions made by both the parties, we have perused the charge-sheet and the First Information Report. In the

statements recorded under Section 161 of the Criminal Procedure Code and the supplementary statement of the informant except the allegation that the applicant was present with the co-accused on the spot on the date of incident and abused the informant in a filthy language, there is no other allegation against the applicant. Therefore, at the most it can be said that Section 294 of the Indian Penal Code would attract against the applicant. However, the allegations are vague and there is no mention of the words spoken and used. Whereas such details are given in respect of the other co-accused.

7. The narration of the role played by the accused No.1 shows that the informant gave the detail whereas such details are absent in respect of the present applicant. Mere abuses are not sufficient to attract the offence punishable under Section 294 and that is also in absence of the details of the abuses. In the circumstances, it cannot be said that even Section 294 of the Indian Penal Code would attract against the present applicant. As far as the unlawful assembly is concerned nothing is brought on record to show that there was any common object of the applicant or he has any

knowledge upon the intention of the co-accused. In absence of such material on record, it is difficult to say that there was any common object. In the circumstances, we are of the opinion that this is a fit case wherein the powers under Section 482 of the Criminal Procedure Code can be exercised. Accordingly we proceed to pass the following order :

ORDER

- i) Application is allowed.
- ii) The charge-sheet No. 93/2024 dated 20.06.2024, vide Crime No. 0366/2020, filed against the applicant and other co-accused for the offence punishable under Section 143, 147, 148, 149, 323, 294, 323, 352, 427, 448, 452, 504, 506 (2) of the Indian Penal Code, and the consequent proceeding arising out of the same bearing Regular Criminal Case No. 2292/2024, is hereby quashed and set aside to the extent of the present applicant – Prashant s/o Ashok Satralkar.

8. The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..