



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

CRIMINAL APPLICATION [APL] NO. 653 OF 2025

MAHESH S/o DATTATRAYA CHATE AND ANOTHER

VERSUS

ANUP S/o SUBHASHCHANDRA JAISWAL

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. Kartik N. Shukul, Advocate for the applicants.

CORAM : M. W. CHANDWANI, J.

DATE : MAY 08, 2025.

1. Heard learned counsel for the petitioner.
2. This application seeks quashing of the proceedings pending against the petitioners before the Judicial Magistrate, First Class, Court No. 2, Wardha vide Regular Criminal Case No. 338/2013 for the offence punishable under Section 326 read with Section 34 of the Indian Penal code.
3. The contention is that in absence of medical report showing the grievous injury in the form of fracture to the rib of the complainant, who was in the custody of the petitioners during the relevant period, the revisional Court directed the Magistrate to add an offence under Section 326 r/w 34 of the IPC against the petitioners. Therefore, the learned Magistrate issued process against the petitioners for the said offences. It is submitted that there is no grievous injury caused to the complainant and initially learned Magistrate took cognizance for the offence punishable under Section 323 of the IPC. It is also

contended that the complainant could have availed the alternate remedy of approaching the State Police Complaints Authority, who could have conducted the inquiry under the provisions of the Maharashtra State Police Complaints Authority (Administration and Procedure) Regulations, 2017 and considered the complaint of the complainant.

4. Issue notice to the non-applicant, returnable within four weeks.
5. In the meanwhile, the trial Court shall not proceed in the matter till the next date of hearing.

(M.W.Chandwani, J.)

Diwale