



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

CRIMINAL APPLICATION (APL) NO. 898 OF 2025

(Khomdeo @ Shankar S/o Ramkrushna Salodkar

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station Ajni,
Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.R. Deo, Advocate for the Applicant.

Mr. M.J. Khan, APP for the Non-applicant No.1/State.

Mr. S.V. Sirpurkar, Advocate for the Non-applicant No.2.

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

DATED : 17th DECEMBER, 2025

1. The present Application is preferred by the Applicant for quashing of the FIR in connection with Crime No.493/2024 registered with Police Station, Ajni, Nagpur under Sections 132, 221, 49 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing R.C.C. No.3567/2025 pending before the Chief Judicial Magistrate, Nagpur.

2. Heard learned Counsel for the Applicant, who submitted that initially the Applicant was not arraigned as an accused but he was arraigned as an accused after nine months of the lodging of the FIR. He invited our attention towards the recitals of the FIR and submitted that the only allegation against the present Applicant is on instigation of the other co-accused has obstructed and used the criminal force on the Informant and restrained him from discharging his duties. He

submitted that, even accepting the said allegation as it is there is no allegation it was the present Applicant who has taken active part in restraining the Non-applicant No.2 in discharging his official duty. He submitted that, even if the communication is taken into consideration as there was an acquaintance between the present Applicant and the other co-accused there is nothing unnatural to have a communication with each other. He also invited our attention towards the previous complaint on the basis of which initially the NC report was lodged and subsequently the present FIR came to be lodged. He submitted that, even accepting the allegation as it is *prima facie* no offence is made out as there is no allegation that either the present Applicant has used any criminal force on the Non-applicant No.2 nor any assault on his part. Therefore, considering the inordinate delay in arraigning the present Applicant as an accused, there is no specific allegation or no overt act is attributed to him and nothing is there to show that he has deterred the public servant from discharging his duty and therefore no *prima facie* case is made out. In view of that, the Application deserves to be allowed.

3. *Per contra*, learned APP strongly opposed for the same and submitted that on the instigation of the present Applicant the other co-accused have deterred the public servant from discharging his official duty. In view of that, the Application deserves to be rejected.

4. The learned Counsel for the Non-applicant No.2 also reiterated the said contentions and submitted that considering the communication between the present

Applicant and the other co-accused there is substance in the allegation. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the entire FIR and the investigation papers, except the allegation that there was an instigation on the part of the present Applicant, no specific overt act is attributed to the present Applicant to show that he has deterred the public servant from discharging his official duty. Thus, considering the nature of the allegations, admittedly no *prima facie* case is made out against the present Applicant except the bare statement of the Informant. In view of that, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No.493/2024 registered with Police Station, Ajni, Nagpur under Sections 132, 221, 49 read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing R.C.C. No.3567/2025 pending before the Chief Judicial Magistrate, Nagpur are hereby quashed and set aside to the extent of present Applicant.

6. Pending application/s, if any, shall stand disposed of accordingly.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)