



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

CRIMINAL APPLICATION (APL) No.1819 OF 2025

(Raju Vitthal Awaghate and others Vs. State of Maharashtra, through PSO, PS Murtizapur,
Distt. Akola and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Nilesh Tikar h/f. Mr. R.D. Karode, Advocate for applicant.
Mr. Nikhil Joshi APP for non-applicant No.1.

CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
DATE : **26th NOVEMBER, 2025.**

1. Heard learned counsel for the applicants.
2. Perused the entire investigation papers. The recitals of the First Information Report alleging that the informant and other prosecution witnesses are assaulted by the present applicants is substantiated by the medical certificate, in all three medical certificates on record and the various statements of the witnesses at this stage prima facie case is made out and, therefore, we have shown our dis-inclination to issue the notices also.
3. In view of the parameters laid down by the Apex Court in the case of **State of Haryana and others Vs. Bhajan Lal and others**, reported in **AIR 1992 Supp (1) SCC 335** more particularly clauses (1) to (7) of paragraph 102 reads as under :

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. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

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. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.

5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

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.

4. As the prima facie case is made out, we are not inclined to issue notice also. Therefore, the application is rejected.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode