IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

943 CRIMINAL APPLICATION NO. 1180 OF 2024

Manjusha Gangadhar Hondarne
& another ....Applicants

VERSUS

The State of Maharashtra & another .....Respondents

Mr. Joslyn A. Menezes, Advocate for Applicants
Mr. N. R. Dayama, APP for the State.
Mr. A. S. Gandhi, Advocate holding for Mr. P. S. Mehta, Advocate for Respondent No. 2.

**CORAM : R. M. JOSHI, J.**
DATE : 14th OCTOBER, 2026.

PER COURT :

1. Applicants seek quashment of First Information Report bearing Crime No. 412/2023 registered with Pundlik Nagar Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 354, 323, 504, 506 read with Section 34 of Indian Penal Code and consequent charge-sheet and order of issuance of process against them.

2. First Information Report indicates that the incident had occurred on 09.11.2023 at about 5.00 pm when present Applicants came to the spot, abused and assaulted the informant and witnesses.

There is specific allegation against Applicant No. 2 about he outraging modesty of the informant by committing act specified therein. On the basis of said report, offence came to be registered and enquired subsequently. On completion of investigation, charge-sheet came to be filed. Learned Trial Court issued process against the Applicants.

3. Learned Counsel for the Applicants submits that admittedly, there are disputes between the parties and as such, considering the fact that there is cross complaint in respect of the same incident, this is a case of false implication of Applicants in this crime. He also drew attention of the Court to the statement of the informant recorded under Section 164 of Code of Criminal Procedure, which according to him, is inconsistent with the statement made in the First Information Report so also statements of other witnesses. It is his submission that infact the occurrence of the incident as alleged in the First Information Report is improbable. According to him, the present case is covered by law laid down by Hon'ble Supreme Court in case of State of Haryana v. Bhajan Lal and others, **1992 Supp (1) SCC 335.**

4. Learned APP and learned Counsel for informant opposed the application by contending that if the material on record makes out offence against the Applicant, then it would not be open for this Court to quash the criminal proceedings. As far as defences sought to be taken by the Applicants are concerned, it is their contention that all these defences are to be considered by the Trial Court. It is further submitted by learned APP that the incident has been witnessed by four independent eye witnesses.

5. Prima facie perusal of record indicates that there are specific allegations against the Applicants in respect of the incident occurred on 09.11.2023. No doubt, there are civil disputes pending between the parties, it does not mean that no offence has been committed by the Applicants. It is only in case where on acceptance of material on record no offence is made out or occurrence of the incident is improbable, then only extra ordinary powers under Section 482 of Code of Criminal Procedure can be invoked in quashing the criminal proceeding. As far as contention of learned Counsel for the Applicants with regard to improbability is concerned, it is their defence and that it cannot be said that occurrence of the incident is impossible or improbable. If material on record is accepted to be

true, offence is undoubtedly made out. Inconsistency in the statements of witnesses, if any, cannot be given consideration by this Court, which may be a matter of argument before the Trial Court. Even if this Court finds that there is no chance of conviction of accused, still it is not open for this Court to quash the proceeding if material on record indicates commission of crime. Hence, no case is made out for invoking extra ordinary powers under Section 482 of Code of Criminal Procedure for quashing the criminal proceeding.

6. In view of above discussion, application stands dismissed. It is clarified that the observations are prima facie in nature and the Trial Court shall not get influenced by the same.

( R. M. JOSHI, J.)

dyb