2026:BHC-AUG:54671

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2446 OF 2026

HEMANT SUDHAKAR MADANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER.

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Shri Satyajit S. Bora, Advocate for the the applicant.
Shri A.A.A. Khan, APP for respondent No.1/ State.

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CORAM : SUSHIL M. GHODESWAR, J.
DATE : 28 October 2026

Per Court :-

1. The applicant/ accused No.4 (Hemant Madane) is seeking quashment of FIR bearing C.R. No.480/1993 dated 22.11.1993 registered with Dhule City Police Station, Dhule, for the offences punishable under Sections 143, 147, 148, 323, 324, 332, 351, 353 and 427 of the Indian Penal Code and Sections 68 and 140 of the Maharashtra Police Act, so also the consequential criminal proceedings arising out of the said FIR.

2. The investigation was set into motion on the basis of the report lodged by Respondent No.2, who was then working as Police Inspector with Dhule City Police Station. The FIR relates to the incident dated 22.11.1993, when a public protest was organized in connection with the Narmada Bachao Andolan led

by Smt. Medha Patkar. During the said protest, there was scuffle between the protesters and police personnel, resulting in registration of the FIR against several persons.

3. The learned advocate for the applicant submits that the applicant is implicated in the present crime in connection with the aforesaid protest. The applicant had never avoided the process of law and was regularly available at Dhule. He was never served with any summons or notice regarding filing of the charge-sheet or issuance of process. The charge-sheet was filed on 15.12.1994, whereas the case came to be committed to the Sessions Court only on 12.01.2026. Thus, for more than three decades, the prosecution remained inactive. The learned advocate submits that the applicant cannot be made to suffer for the inaction on the part of the prosecuting agency. He further submits that the allegations in the FIR do not attribute any specific overt act to the applicant. In view of the inordinate and unexplained delay, continuation of the prosecution would cause serious prejudice to the applicant and would amount to abuse of the process of law. He, therefore, prays for allowing the application.

4. Respondent No.2/Informant was working as Police

Inspector at the relevant time with Dhule City Police Station and had lodged the FIR dated 22.11.1993. He was impleaded as Respondent No.2 in his personal capacity and, therefore, notice was issued to him. He submitted an application dated 18.07.2026 addressed to the Registry of this Court as well as to the learned Public Prosecutor, stating therein that he is now 78 years of age, is suffering from old-age ailments and is unable to travel. Along with the said application, he also submitted his written submissions, reiterating that he had lodged the FIR pursuant to the directions of his superior officers and supporting the contents thereof. He ultimately prayed for dismissal of the present application.

5. The learned APP opposes the application and supports the prosecution. He submits that the applicant is named in the FIR and the prosecution deserves an opportunity to proceed in accordance with law. He, therefore, prays for rejection of the application.

6. I have considered the submissions advanced and perused the material available on record. It is not in dispute that the FIR was registered on 22.11.1993 and the charge-sheet was

filed on 15.12.1994. However, the proceedings could reach the stage of committal only on 12.01.2026. Thus, the prosecution has remained pending for more than 32 years. The applicant contends that he was never served with summons or notice and that he was always available at Dhule. There is nothing brought to the notice of this Court to demonstrate that the applicant had contributed to the aforesaid delay.

7. It is also material to note that this Court, while dealing with the very same FIR, in Criminal Application No.1101 of 2026, decided on 08.05.2026, in the case of *Pukhraj Rajmal Bora Vs. State of Maharashtra and Another*, has already considered the issue of inordinate delay in the prosecution arising out of the present crime and quashed the proceedings against the said applicant. The observations made therein, particularly regarding the unexplained delay of more than three decades and the prejudice likely to be caused to the accused in defending the prosecution at this belated stage, are relevant while considering the present application.

8. The right to speedy trial is an integral part of Article 21 of the Constitution of India. In the present case, the

prosecution has not been able to demonstrate any satisfactory explanation for the extraordinary delay. The applicant cannot be made to face prosecution after such a long period, particularly when there is no material to indicate that the delay was attributable to him. Having regard to the nature of allegations and the material placed on record, continuation of the prosecution against the applicant at this stage would amount to abuse of the process of law. In the aforesaid circumstances, I am of the considered view that this is a fit case to exercise inherent jurisdiction of this Court to secure the ends of justice.

9. In view of the above discussion, the Criminal Application is allowed. The FIR bearing Crime No.480/1993 dated 22.11.1993 registered with the Dhule City Police Station and the further consequential proceedings arising out of the said FIR including the proceedings in Sessions Case No.30 of 2026 pending before the learned Sessions Court at Dhule, insofar as the present applicant is concerned, are quashed and set aside.

kps (SUSHIL M. GHODESWAR, J.)