IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CRIMINAL APPLICATION NO. 2254 OF 2025

1. Preeti Daulatrao Bhosle
2. Sunita Daulatrao Bhosle
3. Daulatrao s/o Panditrao Bhosle
4. Mahesh s/o Daulatrao Bhosle ….APPLICANTS

VERSUS

1. The State of Maharashtra,
Thr. Police Inspector,
Police Station, Jawahar Nagar,
Tal. & Dist. Chhatrapati Sambhajinagar

2. Sushila Manohar Bhosle ….RESPONDENTS

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Mr Manish P. Tripathi, Advocate for Applicants
Mr S. K. Shirse, APP for Respondent No.1/State
Mr R. K. Khandelwal, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 31st OCTOBER, 2026

P. C. :

1. Heard learned Advocate Mr Tripathi for the applicants, learned APP Mr Shirse for respondent No.1/State and learned Advocate (appointed) Mr Khandelwal for respondent No.2.

2. By this application, the applicants are seeking quashing and setting aside the impugned proceedings bearing R.C.C. No.1587/2021, pending before the learned Judicial Magistrate First

Class, Aurangabad, in pursuant to the FIR bearing C.R. No.0273/2020, dated 01/10/2020, registered against them with the Jawahar Nagar Police Station, Tq. and Dist. Aurangabad at the behest of respondent No.2/informant, for the offences punishable under Sections 324, 323, 504 read with Section 34 of the Indian Penal Code. They are also praying for quashing and setting aside the impugned order dated 11/08/2021, passed by the learned Judicial Magistrate First Class, Aurangabad, thereby issuing process against them.

3. As per the report lodged by respondent No.2, it is alleged that, on 27/09/2020 at about 01.00 p.m., her neighbours started quarrel with them on account putting dirt in the compound wall, and on that count, there was abusing to her. It is further came to be stated that, in the said quarrel, applicant No.1/Preeti has beaten her by wooden stick. She sustained injuries. Thereafter, her daughter-in-law came there and applicants left the place. Thereafter, her son Ganesh had taken her for medical treatment at Gajanan Hospital, and accordingly, after medical treatment, she filed report on 01/10/2020, which came to be registered as C.R. No.273/2025.

4. In pursuance of the aforesaid crime, investigation came to be completed and charge-sheet is also came to be filed. The

consequential proceeding bearing R.C.C. No.1587/2021, is filed against applicants and is pending before the learned Judicial Magistrate First Class, Aurangabad. The applicants are seeking quashment of the said proceedings filed against them.

5. Learned Advocate for the applicants submits that the aforesaid proceedings is nothing but the counter blast to initial complaint lodged by applicant No.3/Daulatrao against respondent No.2 and her son on 27/09/2020, which is registered as C.R.No.270/2020, pertaining to same incident on 27/09/2020. In the said crime, applicant No.3/Daulatrao Panditrao Bhosle had stated that, on 27/09/2020 at around 12.00 noon, there was quarrel between the applicants with Ganesh Bhosle and Sushila Bhosle and in the said quarrel, the accused Ganesh and Sushila/respondent No.2 alleged to have abused him. Thereafter, when he had gone to grocery shop, he received a phone call of his daughter. When he reached at home, he saw Ganesh and Sushila were abusing his daughter Preeti, son Mahesh and wife Sunita (who are the applicant Nos.1, 2 and 4 in present application). While pacifying the quarrel, accused Ganesh assaulted Daulatrao with paver block on his head, due to which, he also sustained injuries. Therefore, he lodged the report with the police Station.

6. After registering the report, he was referred to medical treatment. The said crime is also investigated and charge-sheet is also filed against respondent No.2 alongwith accused Ganesh and they are also facing the trial in respect of the same incident.

7. Mr Tripathi further submits that injury certificate of applicant Daulatrao states that he also received grievous injuries i.e. fracture to his left shoulder as well as head injury parieto - occipital region. He, therefore, submits that the FIR in question lodged by respondent No.2 is nothing but the counter blast to the FIR lodged by applicant No.3/Daulatrao. He, therefore, submits that the FIR lodged by respondent No.2 is false and frivolous against the present applicants in order to implicate relatives of applicant Daulatrao. He, therefore, submits that continuing the criminal proceedings against the applicants would be abuse of process of law, and as such, the same is required to be quashed and set aside.

8. Mr Tripathi further points out the MLC No.1615/09/2022 in respect of respondent No.2, dated 27/09/2020, in which history given by respondent No.2 that applicant No.3/Daulatrao had assaulted her by hard object. The said MLC pertains to a private hospital, namely, Gajanan Hospital. Upon a specific query about the medical

certificates pertaining to the injuries of Respondent No. 2/Sushila, it is stated that, despite the Investigating Officer's efforts to procure them vide communications dated 02/12/2020, 25/01/2021, and 11/02/2021, they could not be obtained. Mr Tripathi, therefore, submits that in the history given by respondent No.2 as regard assault in the MLC, is totally contradictory in the statement made by her in the present FIR, wherein she had alleged the role attributed of accused Preeti. He, therefore, submits that the instant FIR and the consequential criminal proceedings filed against the applicants may be quashed and set aside by allowing the present application.

9. Per contra, learned APP states that the investigation papers as well as the contents of charge-sheet disclose that there is sufficient incriminating material available against the applicants. The Investigating Officer has recorded the evidence of independent witnesses. He further submits that, although the Investigating Officer attempted to collect the injury certificate of the victim, however it could not be obtained. According to him, the MLC report issued by Gajanan Hospital discloses that Respondent No.2 had given a history stating that she was assaulted only by the accused Daulatrao. He, therefore, submits that, in view of sufficient incrimination material on record, applicants are required to prosecute before the learned Trial

Court and they do not deserve any relief from this Court. He further submits that the weapon used in the crime i.e. wooden stick is also seized from the house of the applicants, and as such, there is sufficient incriminating material against applicants and they are liable to be prosecuted before the learned Trial Court. He, therefore prays for rejection of the present application.

10. Learned Advocate for respondent No.2 appointed through the High Court Legal Services Sub-Committee, Aurangabad also opposes this application. He reiterates the submissions made by the learned APP. He submits that there is sufficient incriminating material against the applicants, and as such, they do not deserve any relief from this Court. He, thus, prays for rejection of the present application.

11. After hearing the submissions advanced by the learned Advocates for the respective parties and going through the material available with the Court, it is clear that applicant No.3/Daulatrao had registered Crime No.270/2020 on 27/09/2020 in respect of incident took place on the same date at about 12.30 p.m. to 1.00 p.m. The contents of the said FIR, if perused, it is goes to show that applicant No.3/Daulatrao was assaulted by one Ganesh Bhosle with paver block and he was also sustained grievous injuries, which is a part of the

charge-sheet filed in the said crime. As per the other injuries to Daulatrao, he has received four injures, out of which one injury is grievous i.e. in respect of fracture to his left shoulder. Apart from that, he had also received injuries on his head as parieto - occipital region by hard and sharp weapon. In the said crime, there are two accused persons i.e. Ganesh and Sushila.

12. Sushila is informant/respondent No.2 in the instant Crime No.273/2020, which is filed by her on 01/10/2020. The occurrence of said crime also shows that the date of incident is of 27/09/2020 at 13.00 hours. As per the said FIR she has stated that the applicants are her neighbours and the quarrel is in respect of putting dirt in the wall compound. The applicants alleged to have assaulted and abused her. She alleged that applicant No.1/Preeti assaulted her on her head by wooden stick, due to which, she fell down and she was taken to Gajanan Hospital for treatment. In this regard, the certificate annexed to the charge-sheet of Crime No.273/2020 discloses that respondent No.2 has given history of the assault. The same certificate is dated 27/09/2020 of the same incident. In the said medical history, she had stated that applicant No.3/Daulatrao had assaulted her with a hard object. This history given by Respondent No. 2, being prior in time, completely contradicts the subsequent report lodged by her after four

days of incident, demonstrating a deliberate attempt to falsely implicate the accused/applicant No.1/Preeti.

13. During the course of hearing, it is came to be pointed out that both the parties are related to each other and they are also neighbour and there appears to certain quarrel on account of putting dirt in the wall compound. Since the FIR in question was lodged deliberately after a delay of four days, there is sufficient reason to infer false implications of the applicants in the crime. In that view of the matter, in my opinion, the applicants have made out a case for quashing the criminal proceedings filed against them and the instant application deserves to be allowed. Hence, I pass the following order :-

ORDER

(I) The Criminal Application is allowed.

(II) The impugned proceedings bearing R.C.C. No.1587/2021, pending before the learned Judicial Magistrate First Class, Aurangabad, in pursuance of FIR bearing C.R. No.0273/2020, dated 01/10/2020, registered with the Jawahar Nagar Police Station, Tq. and Dist. Aurangabad at the behest of respondent No.2/informant, for the offences punishable under Sections 324, 323, 504 read with Section 34

of the Indian Penal Code, is hereby quashed and set aside to the extent of present applicants.

(III) The impugned order dated 11/08/2021, passed by the learned Judicial Magistrate First Class, Aurangabad, thereby issuing process against the present applicants is also quashed and set aside.

14. Fees of learned Advocate appointed to represent respondent No.2 is to be paid through the High Court Legal Services Sub-Committee, Aurangabad, as per Rules.

[SUSHIL M. GHODESWAR, J.]

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