IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CRIMINAL APPLICATION NO. 2520 OF 2025

Shaikh Munir Shaikh Kalu And Others ....Applicants

VERSUS

The State Of Maharashtra And Another .....Respondents

Mr. S. K. Chavan, Advocate h/f Mr. A. G. Kale, Advocate for the Applicants
Mr. C. V. Bhadane, APP for the Respondent -State
Mr. D. R. Dhumal, Advocate for Respondent No. 2

CORAM : SUSHIL M. GHODESWAR, J.
DATE : 04th NOVEMBER, 2026

PER COURT :

1. Heard the learned Advocate for the parties.

2. The Applicants are praying for quashing of FIR bearing Crime No. 294 of 2025 dated 21-04-2025 registered with Hingoli City Police Station, Dist. Hingoli at the behest of Respondent No. 2 for the offences punishable under Sections 118(1), 115(2), 352, 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023, Section 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per Respondent No. 2, on 15-4-2025, he along with his brother at around 11.30 AM had gone to the Parbhani District

Central Cooperative Bank for withdrawal of amount. Since there was long queue, there appears to be certain dispute between the Applicants and Respondent No. 2. The Applicants are the employees of the said Bank. In view of the said dispute, a quarrel took place between them and it is the allegation of Respondent No. 2 that the Applicants have assaulted Respondent No. 2, due to which he has received injuries. On the basis of said incident, he has approached to the Police Station on 21-04-2025 and lodged the report. In pursuance to the said report, crime to be registered and investigation was set in motion. After completing the investigation, the Investigating Officer has filed charge-sheet.

4. Learned Advocate for the the Applicants submits that the FIR in question is nothing but counter blast to the FIR No. 281/2025 dated 15-04-2025 registered with Hingoli City Police Station which is lodged by Applicant No. 2 against Respondent No. 2 and his brother. Perusal of the said report disclose that in fact Respondent No. 2 and his brother have quarreled with the Bank employees and in the said quarrel when the Bank employees trying to pacify the quarrel. Respondent No. 2 and his brother tried to assault Applicant No. 3, due to which he has sustained injury. Learned counsel for the Applicants also taken this court to the statements recorded by the Investigating

Officer which shows that Respondent No. 2 and his brother have performed the role of assaulting the Bank employees. It is, therefore, submitted that the lodging of the report by Respondent No, 2 that too after period of six days, is nothing but counter blast to the FIR which has also been filed in a revengeful manner. He further submitted that no such incident as alleged by Respondent No. 2 has taken place. On the date of incident on 15-04-2025 there was a long queue for withdrawing the amount in respect of scheme of drought relief payments. Respondent No. 2 had come there and created a scene and therefore, continuation of criminal prosecution against the Applicants would be the abuse of the process of court. He further submitted that though the offences under the SC & ST (Prevention of Atrocities) Act have been registered against Applicants, however, no such incident has ever taken place so as to attract the offences under the said Act. He, therefore, submitted that as the basic foundation for registering the FIR in question was doubtful, therefore, the criminal prosecution be quashed against the Applicants.

5. Per contra, the learned Counsel for Respondent No. 2 and learned APP for the State strongly opposed the Application. According to them statement of eyewitnesses discloses that the Applicants have assaulted Respondent No. 2. Both the crimes are separate and

therefore, both the crimes would be tried separately. Therefore, the Applicants are not entitled to take the benefit of initiation of the other crime. They, therefore, pray for rejection of instant Application.

6. This Court specifically had called the documents pertaining to the Crime No. 281 of 2025 before adjudicating the instant Application. The crime papers of the said crime disclose that the said crime was registered on the basis of incident, which took place on 15-4-2025, in which Respondent No. 2 and his brother have assaulted the employees of the Bank by using bricks. Due to said assault, the said bank employee has also sustained injury on his head. Not only the medical certificate, even the statement of certain eyewitnesses also came to be perused. They have specifically attributed role to Respondent No. 2 and his brother. Most important aspect is the FIR is registered on the very same day. Even the statements of witnesses have also been reported prior to the registering of the crime in question. Therefore, it can be safely presumed that the FIR in question i.e. Crime No. 294 of 2025 has been lodged by Respondent No. 2 in a revengeful manner as a counter-blast to the criminal proceeding initiated initially. Moreover, the statement of one witness namely Sangita Paikrao relied by Respondent No. 2 appears to have been recorded after the period of 5 months. Therefore, there is

reasonable doubt as regards statement of the said witness. In that view of the matter, the instinct Application deserves to be allowed. Hence, the criminal Application is allowed.

7. The FIR bearing Crime No. 294 of 2025 dated 21-04-2025 registered with Hingoli City Police Station, Dist. Hingoli for the offences punishable under Sections 118(1), 115(2), 352, 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023, Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and further consequential proceedings (if any) arising out of the said FIR, are hereby quashed and set aside to the extent of present Applicants.

[SUSHIL M. GHODESWAR, J.]

VishalK/952criapln2520.25