

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3558 OF 2025

Ramdas Raosaheb Tanpure

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Deshpande Ram Baburao

APP for Respondent/State : Mr. S.P Joshi

Advocate for Respondent No.2 : Mr. N.S. More

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 18, 2026

PER COURT :-

1. The applicant seeks quashment of FIR No.229 of 2025 dated 10.04.2025 registered with Karjat Police Station, Taluka Karjat, District Ahmednagar for offences punishable under Sections 118(1), 115(2), 189, 190 and 191 of Bharatiya Nyaya Sanhita, 2023 and consequential proceeding in R.C.C. No.384 of 2025 pending before Judicial Magistrate First Class, Karjat, District Ahmednagar.

2. The investigation was set in motion on the basis of information given by Shubham Vishwas Tanpure/respondent no.2. In nutshell, it is alleged that on 09.04.2025 at about 08.45 pm, he had been to Village Wadgaon Tanpura for supply of milk. At that time, accused persons including applicant approached him and raised assault. He suffered several injuries. At that time, other persons intervened and separated quarrel. He alleges that he suffered head injuries and injuries on multiple parts of body. The aforesaid

information culminated into registration of FIR No. 229 of 2025 for offences punishable under Section 118(1), 115(2), 189, 190 and 191 of Bharatiya Nyaya Sanhita, 2023. The investigation progressed and charge sheet came to be filed. At present. R.C.C. No. 384 of 2025 is pending before J.M.F.C. at Kargat,

3. Mr. Deshpande, learned advocate for applicant submits that applicant has been falsely implicated in aforesaid crime. He is not even resident of village where so-called incident occurred. He points out from contents of FIR that except his presence, there is no allegation showing involvement of applicant in commission of offence.

4. Per contra, learned advocate appearing for respondent no.2 submits that more than five persons gathered together with a common object and raised assault against respondent no.2. The injury certificate shows that there are multiple injuries. The incident is witnessed by companion of informant. He has also taken name of applicant as a person who was present on the spot.

5. Having considered submissions advanced by learned advocates appearing for respective parties and after going through contents of FIR and charge sheet, this court finds that name of applicant is specifically mentioned in FIR. It can be gathered that there are family disputes and FIR's are lodged against each other. Although there are no specific allegations against applicant, however,

his presence along with other accused persons has been stated in FIR as well as statement of witness namely Chetan Tanpure. The injury certificate shows that respondent no.2 suffered multiple injuries on account of assault. In such case, once Section 190 of Bharatiya Nyaya Sanhita is applied, every person who is member of unlawful assembly, irrespective of his overtact would be responsible once it is established that he was member of unlawful assembly formed with common object. Whether the applicant was member of unlawful assembly and whether he can be held vicariously liable for the act of co-accused, is a question to be decided during course of trial. *Prima facie*, on perusal of FIR and statement of witness, this Court finds that there is sufficient material to relegate applicant for trial.

6. In that view of matter, no case is made out to invoke inherent powers or grant prayers in application. Hence, application stands rejected.

(S.G. CHAPALGAONKAR, J.)