IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1416 OF 2025

1) Mr. Shivaji Narayan Jadhav]
Age: 88, Occ: nil,]

2) Mr. Navnath Shivaji Jadhav]
Age: 47 years, Occ-Business,]
all the Petitioner No. 1 to 2 are resident of]
Tadvale, Tal- Atpadi, District-Sangli.] … Petitioners

Versus

1) The State of Maharashtra]
Through Atpadi Police Station, Dist-Sangli.]

2) Smt. Kusum Tanaji Gidde]
Age: 53 years, Occ-housewife,]
R/at: Boratemala, Tal-Atpadi, Dist-Sangli] … Respondents.

…

Mr. Shubham Gangan i/by Mr. Sachin Chandan, Advocate for Petitioners.
Mr. Pankaj P. Deokar, APP for Respondent No. 1-State.
Mr. Laxman Kalel, Advocate for Respondent No. 2.

…

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 23, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned Advocates for the respective parties at the admission stage. I have perused the FIR and the documents as pointed out by the learned Advocates for the respective parties.

2. The Petitioners have invoked inherent jurisdiction of this Court, seeking to quash the First Information Report bearing C.R. No. 75 of 2021 registered with Atpadi Police Station, District-Sangli (for short, ***"the FIR"***), for the offences punishable under Sections 341, 354, 354-B, 143, 147, 149, 323, 504 and 506 of the Indian Penal Code, 1860 (for short, ***"IPC"***), as well as the consequent proceedings, i.e., R.C.C. No. 114 of 2021, pending before the learned Judicial Magistrate First Class, Atpadi, District-Sangli. Hence, this Petition.

3. Brief facts of the case are as under.

4. On 4th February, 2021, between 7:00 a.m. and 7:30 a.m., the incident occurred between the Petitioners and Respondent No. 2 at their agricultural land. Accordingly, on 4th February 2021, Petitioner No. 1, Shivaji, lodged a report against Respondent No. 2 and her husband, Tanaji, alleging that the Informant entered his field, Gat No. 3231, stood in front of the tractor, and restrained the tractor driver from ploughing the agricultural land. She had also abused them. Therefore, Petitioner No. 1 lodged the report against Respondent No. 2 and her husband at the police station. Based on the said report, the police registered ***the offence vide C. R. No. 50/2021 against the Informant and her husband***.

5. It also appears that thereafter, on 8th February 2021, the Informant again entered the agricultural land of Petitioner No. 1, stood in

front of the JCB while digging a trench, abused him, and ***threatened to implicate Petitioner No.1 in a molestation case.*** Based on the said report, **the police registered N.C.R. No. 111 of 2021 against the informant herein**.

6. Thereafter, on 18th February 2021, Respondent No. 2 lodged the report regarding the incident dated 4th February 2021, in respect of which Petitioner No. 1 had already lodged the report vide C. R. No. 50/2021. In the FIR, Respondent No. 2 alleged that the Petitioners, along with Ankush, the tractor driver, and the photographer, illegally entered their land and tried to plough the agricultural land. Therefore, she stood in front of the tractor and told them not to plough the land. At that time, Petitioner No. 1 abused her by calling her "उंडगे ", and Petitioner No. 2 abused her by calling her "रांड " and tore her blouse and saree. Based on her report, the offence came to be registered against the Petitioners and three others.

7. It further appears that, prior to the incident of 4th February 2021, on 21st January 2021, Petitioner No. 1 lodged a report at the police station, alleging that Respondent No. 2, the Informant, had entered his field, stood in the way of the tractor and said not to plough here. She also abused him. Based on his report, the police registered N.C.R. No. 62 of 2021 against Respondent No. 2. The aforesaid facts themselves indicate that the land of the Petitioner No.1 and Respondent No. 2 are adjacent to each other.

8. It is pertinent to note that, in the FIR, Respondent No. 2 categorically admitted that she owned and possessed land Gat No. 3232 and that Petitioner No. 1, Shivaji, possessed land Gat No. 3231, and that a dispute was ongoing between them on account of the boundary of their respective lands.

9. Learned Advocate for the Petitioners vehemently contended that, on 4th February 2021, Respondent No. 2 entered the agricultural land of Petitioner No. 1 and stopped the tractor from ploughing the land and abused him. Therefore, Petitioner No. 1 immediately lodged a report against Respondent No. 2 at the police station. Thereafter, on 8th February 2021, she stood in front of the JCB while digging a trench and ***threatened to implicate Petitioner No.1 in a molestation case***. Accordingly, he lodged another report, and the police registered an NC based on it. He claims that Respondent No. 2 lodged the report against the Petitioners as a counterblast to the earlier reports. He further canvassed that the delay in lodging the FIR was unexplained.

10. He pointed out the statement of Tanaji and submitted that it indicates that his statement was a copy of the Complainant's statement, except that wife-Kusum had narrated the incident to him. He drew my attention to the fourth line of the last paragraph of the statement of Tanaji and submitted that, in his statement, Tanaji had stated that "त्यानंतर मी व माझे पतीने

विचार करून दि. १८/२/२०२१ रोजी पोलीस ठाणेत येवुन फिर्याद दिली.” Therefore, he submitted that this raises a doubt as to whether the Investigating Officer properly recorded Tanaji's statement or copied it from the informant’s statement. No statement of an independent witness had been recorded to indicate that the Petitioners had committed the offence. Therefore, he submitted that the Petitioners were entitled to the relief as prayed for.

11. On the other hand, the learned APP for Respondent-State and the Advocate for Respondent No. 2 strenuously opposed the Petition, contending that Respondent No. 2 had categorically averred in the FIR that, on the day of the incident, Petitioner No. 1 abused her in filthy language and Petitioner No. 2 outraged her modesty and tore her blouse and saree. The police had also recovered the blouse and saree from the possession of Respondent No. 2, which corroborated the contention of Respondent No. 2. However, when a query was put to the learned Advocate for Respondent No. 2 and the learned APP as to who independently witnessed and corroborated the version of Respondent No. 2, they fairly submitted that no independent witness corroborated her statement in the FIR. However, they submitted that the Informant's brother-in-law corroborated the Complainant's statement. Therefore, they submitted that the ample material on record indicates that the offence was committed and urged dismissal of the Petition.

12. Having heard the rival contentions of the parties and having gone through the record, at the outset, it appears that Petitioner No. 1 is the owner of land Gat No. 3231 and Respondent No. 2 claims that she owns and possesses land Gat No. 3232, and both lands are adjacent to each other. The complaint also indicates a dispute over the boundary between the lands of Respondent No. 2 and the Petitioners; therefore, the parties are in dispute on that ground.

13. It also appears that, initially, on 21st January 2021, an incident occurred. Accordingly, Petitioner No. 1 lodged a report at the police station. Based on his report, the police registered the N.C.R. No. 62 of 2021. Then, on 4th February 2021, while Petitioner No. 1 was present on his agricultural land and the tractor driver was ploughing it, Respondent No. 2 entered the Petitioner's land and stopped the tractor from ploughing. Therefore, Petitioner No. 1 lodged a report against her at the police station. **The police registered the same vide Crime No. 50 of 2021.**

14. During the investigation, the Investigating Officer recorded the statements of independent eyewitnesses Dadaso, Ajit and Suresh, who categorically supported the version of Petitioner No. 1 in the FIR, and the charge-sheet was also filed. Thereafter, on 8th February 2021, Respondent No. 2 again entered the agricultural land of Petitioner No. 1, stood in front of the JCB while digging a trench, abused him, and ***threatened to implicate***

Petitioner No.1 in a molestation case. Based on the said report, **the police registered N.C.R. No. 111 of 2021 against the informant herein**. The report itself indicates that, on 8th February 2021, Respondent No. 2 categorically threatened Petitioner No. 1 that she would implicate him in a molestation case, and, as an afterthought, she might have lodged the FIR on 18th February 2021 in respect of the offence that had occurred on 4th February 2021. It is worth noting that she did not explain the delay in lodging the complaint. According to her, on the said date, the Petitioners had abused her and outraged her modesty by tearing her blouse and saree. In such circumstances, she was bound to lodge the report immediately at the police station rather than remain silent. Since the dispute between them was admittedly ongoing over the boundary of the lands, Respondent No. 2's failure to lodge the report immediately draws an adverse inference that Petitioner No. 2 did not outrage her modesty on that day.

15. Apart from that, a bare perusal of the statements of the three independent eyewitnesses *prima facie* indicates that, on 4th February 2021, an incident occurred between the Petitioners and Respondent No. 2, when Respondent No. 2 entered into the field there, and an altercation took place between them. It also appears that Respondent No. 2 and her husband were abusing the Petitioners. The independent witnesses have not stated that, on that day, Petitioner No. 1 abused her by calling her "उंडगे " or that Petitioner

No. 2 abused her by calling her “रांड " and tore her blouse and saree and thereby outraged her modesty. Therefore, the absence of corroboration from independent witnesses regarding Respondent No. 2's version leads to an adverse inference that she may have falsely implicated the Petitioners in this crime as a counterblast to the FIR and N.C.R lodged by Petitioner No. 1 against her.

16. It is also pertinent to note that, in view of the subsisting dispute between the Petitioners and Respondent No. 2 with regard to the boundaries of their respective lands, the possibility of the parties having lodged FIRs against each other cannot be ruled out. The Court can read between the lines and discern the intention behind the belated lodging of the report by Respondent No. 2 in respect of the incident that occurred on 4th February 2021, particularly in the absence of any explanation for the delay. In the facts and circumstances of the present case, the belated report lodged by Respondent No. 2 appears to be nothing but a counterblast to the complaint lodged by Petitioner No. 1. The learned Advocate for Respondent No. 2 and the learned APP have only pointed out the statement of one Shivaji, who is the brother-in-law of Respondent No. 2. However, as he is an interested witness, his statement cannot be taken into consideration at this stage, when, *prima facie*, the lodging of the FIR by Respondent No. 2 itself creates a doubt about the occurrence of the incident as alleged by her.

17. Moreover, Respondent No. 2 averred in the FIR that one tractor driver and a photographer were present at the spot. However, the Investigating Officer did not record their statements, nor were they produced before the Court. As they were present at the spot, the Investigating Officer was bound to record their statements as eyewitnesses. The failure to record their statements leads to an adverse inference that they were not present at the spot or that the story put forward by Respondent No. 2 did not occur as alleged; therefore, they did not support Respondent No. 2's allegations, and their statements were not recorded.

18. Thus, considering the above discussion, it *prima facie* appears that lodging of the FIR by Respondent No. 2 on 18th February 2021 is nothing but a counterblast to the FIR lodged by Petitioner No. 1 regarding the incident dated 4th February 2021 as threatened on 8th February by Respondent No.2. However, her statement/complaint is not corroborated by the independent witnesses. None of the eyewitnesses supported her version that, on the day of the incident, Petitioner No. 2 abused her by calling her “रांड " and outraged her modesty by tearing her blouse and saree or that Petitioner No. 1 abused her by calling her “उंडगे".

19. In such an eventuality, in my view, it would not be appropriate to continue the proceedings before the learned Trial Court against the Petitioners. Continuing the proceedings against them would amount to an

abuse of the process of law and would not serve the ends of justice. Therefore, in exercise of the inherent powers under Section 482 of the Cr.P.C., it would be appropriate to quash the FIR and the said proceedings.

20. As a result, ***the Petition is allowed in terms of prayer clause (a)*** which reads as under.

> "(a) That the Petitioner seeking quashing of criminal proceeding bearing R.C.C. No. 114/2021 pursuance to C. R. No. 75 of 2021 register with Atpadi police station for the offence punishable U/S 341, 354, 354 (B), 143, 147, 149, 323, 504, 506, 509 of IPC, pending before Ld. J.M.F.C. At Atpadi, Dist-Sangli."

21. The Rule is made absolute in the above terms. No order as to costs.

22. Inform the concerned Court accordingly.

23. ***The Petition stands disposed of.***

(ABHAY J. MANTRI, J.)

TALLE SHUBHAM ASHOKRAO
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