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

CRIMINAL APPLICATION NO. 143 OF 2026

1) Radhika Nivrutti Yedge]
Age : 27 Years, Occ. - Household]
Residing at – Bitale, Tal. - Mohol]
District – Solapur Pin. 413213.] **… Applicant**

Versus

1) The State of Maharashtra]
[Through Mohol Police Station Vide C. R.]
No. 607/2023]]
(Notice to be served through A.P.P.)]

2) A.B.C]
Age- 42 Years, Occ. - Labour R/o.]
Kalewadi, Bitale, Tal. - Mohol]
Dist. - Solapur 413213]

3) Superintendent of Police, Solapur]
Pin Code -: 413 006] **… Respondents.**

WITH
WRIT PETITION NO. 178 OF 2024

1) ~~Dnyaneshwar Bhiva Yedage~~]
~~Age: 40 Years, Occ: Advocate~~]
(Petitioner No. 1, deleted vide order]
dated 17th July, 2026)]

2) Bhiva Chandrakant Yedage]
Age: 64 Years, Occ : Agriculture]

3) Shashikala Dnyaneshwar Yedage]
Age : 34 Years, Occ. - Household]

4) Savitrabai Bhiva Yedage]
Age : 60 Years, Occ. Household]
All Residing at – Bitale, Tal. - Mohol]
District – Solapur.] **… Petitioners**

Versus

1) The State of Maharashtra]
[Through Mohol Police Station Vide C. R.]
No. 607/2023]]
(Notice to be served through A.P.P.)

2) A.B.C]
Age- 42 Years, Occ. - Labour R/o.]
Kalewadi, Bitale, Tal. - Mohol] … **Respondents**.
Dist. - Solapur 413213

…

Mr. Ritesh M. Thobde a/w Adv. Mervin Bardeskar, Adv. Changdev Shingade, Mr. Darshan Singh Rajpurohit and Adv. Divyashree Dhumal, Advocate for Petitioners.
Mr. K. V. Saste, Additional PP, for Respondent-State.
Mr. Anand S. Shalgaonkar, APP for Respondent-State in Criminal Application No. 143 of 2026.
Adv. Neha G. Deshpande i/by Mr. Amit Mahadik, Advocate for Respondent No. 2.

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CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 29, 2026

PER COURT :

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 gone through the record, as pointed out by the learned Advocates for the respective parties and the learned APP for the State.

2. The Petitioners/Applicant have invoked Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, *"**BNSS**"*), seeking quashing of the First Information Report bearing C.R. No. 607 of 2023, registered with Mohol Police Station, District-Solapur (for short, the *"**FIR**"*),

for the offences punishable under Sections 143, 147, 149, 327 and 354-B of the Indian Penal Code, 1860 (for short, *"**IPC**"*) and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012 (for short, *"**POCSO Act**"*), as well as the proceedings, i.e., Special Case No. 2 of 2024, pending before the learned Special Court, Solapur, arising out of the said FIR.

3. It appears that the Petitioners in Writ Petition No. 178 of 2024 and the Applicant in Criminal Application No. 143 of 2026 have filed their respective Petition/Application arising out of the same FIR for seeking quashment of the FIR and the consequential proceedings thereof pending before the learned Special Court, Solapur.

4. It further appears that during the pendency of Writ Petition No. 178 of 2024, on 17th July 2026, the Petitioner No. 1-Dnyaneshwar was deleted. Therefore, the Petition survives only insofar as Petitioner Nos. 2 to 4 are concerned.

5. On 10th August 2023, Respondent No. 2 lodged a report against the Petitioners, the Applicant and three others, alleging that on the said date, at about 7:30 a.m., Petitioner No. 1 – Dyaneshwar, outraged the modesty of her niece and tore clothes while she was returning to her house crying. On the way, the Informant met her and inquired about the incident. At that time, the victim informed her that, while she was returning to her house, the other accused persons had assaulted her with kicks and fist blows and had abused

her. Therefore, she lodged the report against them. On the basis of the said report, the offence came to be registered, as stated hereinabove. Hence, the Petitioners have approached this Court by filing the present Writ Petition and Application, seeking quashing of the said FIR and proceedings.

6. During the pendency of the Petition, the police conducted an investigation and filed a charge-sheet before the learned Special Court. Accordingly, the Petitioners amended the Petition and sought quashing of Special Case No. 2 of 2024. Similarly, the Applicant filed the Application seeking quashing of the FIR and Special Case No. 2 of 2024.

7. Learned Advocate for the Applicant/Petitioners has vehemently submitted that no specific allegations have been made against the Petitioners/Applicant, but the allegations against them are vague and omnibus. Therefore, no offence has been made out against Petitioner Nos. 2 to 4 and the Applicant. He further submitted that the present FIR has been lodged as a counterblast to the FIR lodged by him, bearing Crime No. 606 of 2023. The Informant and the victim's statements differ regarding the occurrence of the alleged offence. The injury certificate does not reflect any injury sustained by the victim. Therefore, he submitted that, *prima facie*, no case is made out against Petitioner Nos. 2 to 4 and the Applicant and urged this Court to quash the proceedings.

8. *Per contra,* learned Advocate for Respondent No. 2 and the learned APP have opposed the Petition and Application, contending that there are allegations against the Petitioners and Applicant of causing assault on the victim and the Informant, as well as abusing them. Therefore, they urged for dismissal of the Petition and Application.

9. Having considered the rival contentions of the parties and upon perusal of the FIR, *prima facie*, no specific allegations appear against Petitioner Nos. 2 to 4 and the Applicant. The allegations against them are vague and omnibus, i.e., that the Applicant and Petitioner Nos. 3 to 4, along with other persons, gave fist blows and kicks to the victim and the Informant and abused them. It is pertinent to note that neither the informant nor the victim, in their statement recorded under Section 164, has specifically stated the role played by Petitioners Nos. 2 to 4, or the Applicant. Their statements are vague. Therefore, it would not be appropriate to draw an inference as to who was involved in the present crime and against whom she has made the specific allegations of assault or abuse.

10. Apart from that, the injury certificate does not reflect any injury. Had they been beaten by the Petitioners and the Applicant, then certainly some injury would have been noticed on their persons. However, no injury was found on their persons. Thus, the allegations made against the Petitioners and the Applicant are vague and omnibus, and do not constitute offences

punishable under Sections 143, 147, 149, 327 and 354-B of the IPC and Sections 8 and 12 of the POCSO Act.

11. In the light of the above discussion, it is revealed that no *prima facie* averments are made out against the Petitioners so as to constitute the offences as alleged against them. Therefore, in my view, it would not be appropriate to continue the proceedings against them. Continuing the proceedings against them would amount to an abuse of the process of law and would not serve the ends of justice. Therefore, it would be appropriate to exercise the inherent powers of this Court to quash the FIR and the proceedings against Petitioner Nos. 2 to 4 and the Applicant to meet the ends of justice.

12. As a result, ***Writ Petition No. 178 of 2024 is partly allowed qua Petitioner Nos. 2 to 4 in terms of prayer clause (a), and Criminal Application No. 143 of 2026 is allowed in terms of prayer clauses (a), (b) and (c).***

13. Accordingly, the First Information Report bearing C.R. No. 607 of 2023, registered with Mohol Police Station, District-Solapur, and the pendency of the proceedings Special Case No. 2 of 2024, pending before the learned Special Court, Solapur, arising out of the said FIR are hereby quashed and set aside qua Petitioner Nos. 2 to 4 in Writ Petition No. 178 of 2024 and the Applicant in Criminal Application No. 143 of 2026.

14. Informed the concerned Trial Court accordingly.

15. The Rule is made partly absolute in the Application and Petition. No order as to costs.

16. It is needless to clarify that the Trial Court shall proceed against the rest of the accused persons in accordance with law.

17. ***The Petition and Application are disposed of.***

(ABHAY J. MANTRI, J.)

TALLE SHUBHAM ASHOKRAO

Digitally signed by TALLE SHUBHAM ASHOKRAO
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