

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 255 OF 2026

Dadasaheb Chandrabhan Jadhav And Anr.	...Petitioners
<i>Versus</i>	
The Senior Police Inspector And Anr.	...Respondents

Mr. Rajesh Jadhav, for the Petitioners.
Ms. P. N. Dabholkar, APP for the Respondent – State.
Constable Bhaskar Barate, Nandgaon Police Station, Nashik is present.

CORAM: ASHWIN D. BHOBE, J.

DATED: 27th JANUARY, 2026.

PC:-

1. This Petition filed under Article 226 of the Constitution of India and Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) is preferred against the FIR bearing No. 529 of 2023 registered at the Nandgaon Police Station, Nandgaon District, Nashik (“impugned FIR”) against the Petitioners for the offences punishable under Sections 326, 323, 504, 506 and 34 of the IPC.

2. Impugned FIR is registered on the basis of the complaint lodged by the Respondent No. 3 (Archana Balasaheb Jadhav).

Complaint dated 15th November, 2023 reads as follows:

" दि. 07/11/2023 रोजी सायंकाळी 04/00 वाजेच्या सुमारास मी, आमचे शेतात ऊसतोडीचे काम चालू असल्याने ऊसाची गाडी येण्या जाण्यासाठी रस्त्यावर रस्त्याचे कडेला असलेले झाडाचे फांद्या तोडत असतांना आमचे शेताचे बाजूला राहणारे दादासाहेब चंद्रभान जाधव हे आले व मला म्हणाले की रस्त्यावरील झाडाच्या फांद्या तोडायच्या नाही, येथून तूमच्या ऊसाच्या गाड्या जावू देणार नाही असे बोलून शिवीगाळ करू लागला व तेव्हा मी त्यास शिवीगाळ करू नका असे बोलत असतांनी तो लगेच बाजूलाच माझे समोर लघवि करू लागला म्हणून मी त्यास म्हणाले की तूला हे शोभते का असे बोलले असता त्यांनी लागलीच त्यांची पत्नी आशाबाई दादासाहेब जाधव, व त्याचे मूले गणेश दादासाहेब जाधव, राजेंद्र दादासाहेब जाधव यांना बोलावून घेतले व त्यांनी मला शिवीगाळ, मारहाण करण्यास सूरवात केली व दादासाहेब चंद्रभान जाधव याने त्याचे सोबत आणलेल्या लोखंडी गजाने माझे कमरेवर मारत असतांना मी हातने आडवत असतांना माझे डावे - हाताचे मधले बोटास गजाचा मार लागून दूखापत केल्याने रक्तस्राव झाला त्यानंतर मी त्यांचे तावडीतून मी कसेबसे सोडवून घेवून व आमचे शेतात पळत गेले व तेथून आमचे शेतात काम करण्यासाठी आलेला ऊसतोड कामगार सुरेश मोरे याने माझे पती बाळासाहेब दादासाहेब जाधव यांना फोन केला व त्यांना झालेली हकीकत सांगितली त्या नंतर माझे पती व मी नांदगाव पोलीस स्टेशन येथे फिर्याद देण्यासाठी आलो मला त्रास होत

असल्याने पोलीसांनी मला मेडीकल यादी दिल्याने आम्ही नांदगाव ग्रामीण रुग्णालय तसेच सामान्य रुग्णालय मालेगाव येथे उपचार करून सध्या खाजगी दवाखाण्यात उपचार घेवून आज रोजी मला बरे वाटू लागल्याने मी उपचाराचे कागद पत्र घेवून पोलीस स्टेशन येथे आले आहे म्हणून माझी 1) दादासाहेब चंद्रभान जाधव 2) आशाबाई दादासाहेब जाधव 3) गणेश दादासाहेब जाधव 4) राजेंद्र दादासाहेब जाधव सर्व रा.रा. गोंडेगाव ता. नांदगाव जि. नाशिक यांचे विरुद्ध फिर्याद आहे.”

(“emphasis supplied.”)

3. Records placed in this Petition indicate that the Respondent No. 3 was referred to Medical examination on 7th November, 2023 at 8:00 pm. Injury Certificate issued by the Medical Officer, Rural Hospital Nandgaon (at page 76 of the petition paper book) reads as follows:-

Sr	Type of Injury	Site & Size	Probable Age of Injury	Type of Weapon	Nature
1)	Swelling & Contusion formed on Lt hand middle finger not able to move	Orthopedic opinion from Dr. Chouradia Navkar Hospital Malegaon on 08/11/2023 shows rupture of tendon at back of DP Hand Lt Hand	Within 6hr	Hard Blunt Object	Grievous Injury
	Sd/- Certificate Received by				Sd/- Medical officer Rural Hospital, Nandgaon

4. Mr. Rajesh Jadhav, learned Advocate appearing for the Petitioners submits that the impugned FIR is false. He submits that the impugned FIR is a counterblast to a complaint filed by the Petitioners which is

registered as FIR bearing No. 0525 of 2023 registered on 12th November, 2023 which is at page 23 of the petition paperbook. He submits that the Petitioners have obtained photographs under the Right to Information Act, 2005 (for short “RTI Act”), which are produced on record at page nos. 50 to 56 of this petition. He by referring to the said photographs submits that the Petitioners were not at the place of incident on 7th November, 2023. He therefore submits that the impugned FIR be quashed.

5. Ms. Dabholkar, learned APP appearing for the Respondent - State submits that the impugned FIR clearly discloses the offence committed by the Petitioners. She submits that the FIR bearing No. 0525 of 2023 registered at the instance of the Petitioners on 12th November, 2023 is an after thought. She by referring to the Medical Certificate of the Petitioners dated 7th November, 2023 submits that the nature of injury sustained by the Petitioners is referred to as ‘Simple Injury’. She submits that the photographs (at page nos. 50 to 53) neither bear any stamp of any public authority nor have the Petitioners produced any material on record to show that the same have been obtained under the provisions of RTI Act. At any rate she submits that the said photographs and they

which are produced for the first time before this Court are disputed by the prosecution.

6. Perused the records with the assistance of the Advocates.

7. In the instant case, the allegations made in the complaint / impugned FIR and the material in the form of Injury Certificate of the Respondent No.3 issued by the Medical Officer, Rural Hospital Nandgaon, taken at their face value and accepted in their entirety prima facie constitute the offence and makes out a case against the Petitioners.

8. The Hon'ble Supreme Court in the case of Muskan vs. Ishaan Khan (Sataniya)¹ in paragraph No. 22 has observed as under:-

“22. On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.”

9. Contentions of Mr. Rajesh Jadhav, of the FIR being false or the or that the impugned FIR being a counterblast or that the photographs produced by the Petitioners show the Petitioners not being present at the

¹ 2025 SCC OnLine SC 2355.

place of incident are disputed questions of facts and are in the nature of a defence of the Petitioners.

10. Considering the overall circumstances leading to the registration of the impugned FIR and the material placed on record, no case for interference in exercise of jurisdiction under 528 of BNSS or Article 226 of the Constitution of India is made out. This petition is without merits, as such dismissed. There shall be no orders as to costs.

(ASHWIN D. BHOBE, J.)