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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (APL) NO.562 OF 2024**

1. Atul s/o Namdeorao Wandile,  
Age 37 Years,  
Occupation : Business,  
R/o. Sant Tukdoji Ward,  
Hinganghat, District Wardha.
2. Pralay s/o Bhauraoji Telang,  
Age : 48 Years,  
Occupation : Business,  
R/o. Ramnagar Ward, Hinganghat,  
District Wardha.
3. Ashok s/o Pundlikrao Dagwar,  
Age : 47 years,  
Occupation : Business,  
R/o. Ambedkar Ward, Samudrapur,  
District Wardha.
4. Pravin s/o Tilakraj Shrivastav,  
Age : 41 Years,  
Occupation : Business,  
R./o. Sant Gnyaneshwar Ward,  
Hinganghat, District Wardha.

**.... APPLICANTS**

**// VERSUS //**

1. State of Maharashtra,  
Through Police Station Officer,  
Police Station, Samudrapur,  
District Wardha.
2. Manish Shantilal Gandhi,  
Age about 35 Years,  
Occupation : Business,  
R/o Ward No.6,  
Samudrapur, District Wardha.

**....NON-APPLICANTS**

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Mr. A. C. Jaltare, Advocate for applicants.  
Mr. N. B. Jawade, APP for non-applicant No.1/State.  
Ms. S. G. Rao, Advocate h/f Mr. Apurv De, Advocate for  
non-applicant No.2.  
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(2)

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 18/03/2026**

**ORAL JUDGMENT :**

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel for applicants, learned APP for the State and learned counsel for the non-applicant No.2.

4. The present application is preferred by the applicants for quashing of the FIR in connection with Crime No.89/2024 registered with Police Station, Samudrapur, District Wardha for the offence punishable under Sections 143, 147, 148, 324, 326 read with Section 149 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No. 145/2025.

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that when the complainant was in agricultural field his colleague, namely Vaibhav Mendhule, who is working with him in a political party, telephonically communicated that at near Vidhya Vikas College, there is party meeting at 4.45 p.m. In view of the same, the non-applicant No.2 went near the Vidya Vikas College and at that point, he saw Atul Chaudhary, Sumot Rangari, Ranjit Chaware

(3)

and Vaibhav Mendhule, who were present at that place. The said persons communicated that the election on the post of Taluka President has been conducted. In view of that, the non-applicant No.2 i.e. informant, telephonically called the District President of the Rashtravadi Party, Wardha namely Sunil Raut and communicated that election and appointment of Taluka President has been conducted, however, Sunil Raut District President of the Rashtravadi Party disconnected the phone. Thereafter, the Secretary namely, Atul Wandile i.e. the applicant No.1 of Hinganghat made a phone call to the complainant and asked why he is making call to the District President and also threatened that he would come to his village and taken him away. It is further alleged that at about 8.45 p.m., the applicant No.1 in his vehicle assisted by the applicant Nos.2 to 4 came at the spot and assaulted him with iron rod, due to which, he has sustained the injuries. On the basis of the said report, police have registered the crime against the present applicants.

6. After registration of the crime, the investigation was carried out. During the investigation, the statements of the various witnesses are recorded and after completion of the investigation, the charge sheet was submitted against the present applicants.

(4)

7. Heard learned counsel for the applicants, who not pressed the application for the applicant No.1. As far as the applicant Nos.2 to 4 are concerned, he submitted that though the informant has alleged that they have also assaulted him by fist and kick blows, but during the investigation the statements of the other eye witnesses were recorded and other eye witnesses even nowhere referred their presence at the spot of incident and there are no allegations against the applicant Nos.2 to 3. He submitted that even accepting the allegation as it is, the only allegation against the applicant No.1 is to the extent of that he has given a slap to the informant, due to which, the informant has lost his balance and dashed against one iron rod and sustained the injury. Thus, he submitted that the applicant Nos.2 to 4 have not played any role in the commission of the crime. There is nothing on record to show that there was an unlawful assembly on the part of the present applicants and in pursuance of the common object of that assembly, the said act was committed. Thus, he submitted that no *prima facie* case is made out against the applicant Nos.2 to 4, in view of that, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention and submitted that considering the statement of the informant, who has specifically alleged that the present applicants also assaulted him by fist and kick blows, it is

(5)

sufficient to show they shared a common object with the other co-accused. In view of that, the application deserves to be rejected.

9. Learned counsel appearing for the non-applicant No.2 submitted that during the investigation, the statements of the witnesses were recorded which discloses the *prima facie* case against the present applicants and specific role is attributed to the present applicants, and therefore, the application deserves to be rejected.

10. On hearing both sides and on perusal of the entire investigation papers, it reveals that the FIR is lodged by the non-applicant No.2 on an allegation that due to the political rivalry, there was an altercation of the words between the present applicants and the informant and on that count, he was assaulted. During the investigation, the Investigating Officer has recorded the relevant statements of the witnesses, who are the eye witnesses of the incident. The statement of these witnesses i.e. Atul Sudhakarao Chaudhari, Vaibhav Gulabrao Mendhule and others, shows that during the altercation of the words the co-accused Atul Wandile, who is the applicant No.1 for whom the application is already not pressed has given a slap, due to which, the informant lost his balance and dashed against the iron rod and sustained the injury. The injury certificate is also on record

(6)

which also substantiate the same that he has sustained the injury. As far as the present applicants are concerned, even their presence are not narrated by the eye witnesses in their statements. No specific role is attributed to them in the said statements. Thus, there is nothing on record to show that the applicant Nos.2 to 4 have shared the common object along with the co-accused and in furtherance of the common object, they have assaulted the informant. Thus, in absence of the evidence, no *prima facie* case is made out against the applicant Nos.2 to 4 and therefore, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

**ORDER**

- (i) The application is **allowed partly**.
- (ii) The FIR in connection with Crime No.89/2024 registered with Police Station, Samudrapur, District Wardha for the offence punishable under Sections 143, 147, 148, 324, 326 read with Section 149 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No. 145/2025, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 4.
- (iii) The prayer of the applicant No.1, is disposed of as the application for him is not pressed.

The application is disposed of.

**(URMILA JOSHI-PHALKE, J)**