



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.1117/2024

1. Yogesh Tejrao Nagare,
Aged about 27 yrs, Occ.: Agriculturist
2. Rashmi Ganesh Nagare,
Aged about 29 yrs, Occ.: home-maker
3. Bhojraj Kisan Nagare,
Aged about 61 yrs, Occ.: Agriculturist
4. Nilkanth Kisan Nagare,
Aged about 58 yrs, Occ.: Agriculturist
5. Ajay Bhojraj Nagare,
Aged about 30 yrs, Occ.: Agriculturist
6. Dipali Ajay Nagare,
Aged about 23 yrs, Occ.: Home-maker
7. Sheshrao Kishan Nagare,
Aged about 78 yrs, Occ.: Agriculturist
8. Subhash Sheshrao Nagare,
Aged about 55 yrs, Occ.: Agriculturist
9. Nandesh Sheshrao Nagare,
Aged about 49 yrs, Occ.: Agriculturist
10. Ashok Sheshrao Nagare,
Aged about 47 yrs, Occ.: Agriculturist
11. Vilas Bhimrav Nagare,
Aged about 46 yrs, Occ.: Agriculturist.
12. Anusaya Tejrao Nagare,

Aged about 74 yrs, Occ.: Home-maker

13. Subhash Vitthal Nagare,
Aged about 39 yrs, Occ.: Agriculturist
14. Sachin Subhash Nagare,
Aged about 21 yrs, Occ.: Agriculturist
15. Rahul Ashok Nagare,
Aged about 18 yrs, Occ.: Agriculturist
16. Tejarao Kisan Nagare,
Aged about 64 yrs, Occ.: Agriculturist
17. Aniket Tejrao Nagare,
Aged about 23 yrs, Occ.: Agriculturist

All Applicants are R/o 2, Barlinga, Tq.
Balapur, Barlinga, Akola, Khirpuri,
Maharashtra, 44302

... APPLICANTS

...VERSUS...

1. State of Maharashtra,
Through Police station Officer,
Police Station, Balapur, Tq. Akola.
2. Sunita Dattatray Awatirik
Aged about 36 years, Occ:
Housewife Barlinga, Tq. Balapur,
Barlinga, Akola, Maharashtra

...NON-APPLICANTS

Shri Z.Z. Haq, Advocate for applicants
Shri M.J. Khan, APP for non-applicant No.1/State
Shri N.S. Warulkar, Advocate for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 17.02.2026

ORAL JUDGMENT

Heard. By consent of the parties, this matter is taken for final disposal at admission stage.

2. By the application, the applicant is seeking quashment of Regular Criminal Case No.05/2025 and Juvenile Case No.123/2025 arising out of Charge-sheet No.546-A/2024 arising out of First Information Report No. 682/2023 registered against the applicant for the offences punishable under Sections 143, 147, 149, 324, 294, 254, 452, 504 and 506 of the Indian Penal Code.

3. The case of the prosecution is that on 31.10.2023 at about 19:08 hours, a complaint was lodged against the present applicant alleging that the complainant's son, Abhay, came home on his bicycle and stated that Applicant No. 17 had given dash while he was going to school on his bicycle. Thereafter, the complainant went outside her house and noticed the accused standing there. At that time, there was hot exchange of words. Applicant No. 17

allegedly hurled abuses, due to which the complainant went inside her house.

4. It is alleged that Applicant No. 17 abused the complainant on a public road and threatened to kill her. Thereafter, the complainant and her husband went to Aniket (Applicant No. 17) for giving understanding him. At that time, Applicant No. 16, Tejrao, allegedly brought a wooden stick from his house and started beating and abusing the complainant's husband, Dattatraya. Consequently, all the applicants gathered at the spot and abused the complainant's husband. It is further stated that the applicants namely Rashmi, Deepali, and Anusaya pulled the complainant's hair and assaulted her. Applicant No. 16, Tejrao, allegedly dealt a blow with the stick on the head of the complainant's husband, thereby causing him injury. On the basis of the said complaint, the offence came to be registered against the present applicants.

5. The applicants approached this Court contending that the present application is nothing but a counterblast to the complaint filed by them on the very same date, i.e., 31.10.2023 at 17:41 hours. According to the applicants, it was the complainant

and her family members who abused the applicants' family, and Applicant No. 17 was assaulted at the instance of the complainant's husband. Accordingly, an offence came to be registered vide First Information Report No. 682/2023 against the complainant's husband and her family members for the offences punishable under Sections 143, 147, 149, 324, 294, 254, 452, 504, and 506 of the Indian Penal Code.

6. In light of the submissions made by both the parties, I have perused the allegations made in the First Information Report and the investigation conducted by the police authorities. From the allegations, it is evident that the complainant has mainly made accusations against Aniket Tejrao Nagre and Tejrao Kisan Nagre. Specific roles are attributed only to these two persons in the entire complaint. The allegations against Rashmi, Deepali, and Anusaya appear to be an afterthought in the matter, as it is improbable that in presence of such persons on the spot, these three ladies pulled the hair of the complainant and assaulted her. Furthermore, no medical report is available on record to substantiate the submission of complainant.

7. In my opinion, as there are no specific allegations against the present Applicant Nos. 1 to 15, no offence is made out against them in the matter. It is apparent that, with a view to implicate Applicant No. 17, all the family members have been roped in. In the absence of any specific role attributed to Applicant Nos. 1 to 15, continuation of the criminal proceedings against them would amount to an abuse of the process of law. In my considered view, there is no likelihood of proving any offence against Applicant Nos. 1 to 15 on the basis of the material placed on record. Hence, I proceed to pass the following order:

ORDER

- i) The application is partly allowed.
- ii) The proceedings in Regular Criminal Case No.05/2025 and Juvenile Case No.123/2025 arising out of Charge-sheet No.546-A/2024 arising out of First Information Report No. 682/2023 registered against the applicant for the offences punishable under Sections 143, 147, 149, 324, 294, 254, 452, 504 and 506 of the Indian Penal Code, is hereby quashed and set aside only against the present applicant Nos.1 to 15.

iii) It is made clear that the prosecution shall continue against Applicant Nos. 16 and 17.

8. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare