



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

**CRIMINAL APPLICATION (APL) NO. 1606 OF 2024**

**APPLICANTS**

- :-** 1) Sunil s/o Ajabrao Dongre,  
Aged about 49 yrs, Occu: Business,  
R/o Shahu Parisar, Tayade Layout,  
Arvi, Distt. Wardha.  
Mobile No. 7821013173, 9422949726  
E-mail :sunildongre078@gmail.com
- 2) Sunil s/o Raghunath Bharne,  
Aged about 58 yrs, Occu: Business,  
R/o Bhim Nagar, Gondia.  
Mobile No. 9922711517
- 3) Umesh s/o Gopalrao Meshram,  
Aged about 51 yrs, Occu: Private,  
R/o Plot No. 113, Awale Nagar,  
Nari Road, Nagpur-440026.  
Mobile No. 9595085335

**..VERSUS..**

**NON-**  
**APPLICANTS**

- :-** 1) State of Maharashtra,  
Through P.S.O. PS Bhandara.
- 2) Smt. Neema Sanjay Rangari,  
Aged about 33 yrs, Occu: Business,  
R/o Ashok Nagar, Adyal, Tah. Pauni,  
Distt. Bhandara.  
Mobile No. 70664847

---

Mr Shashibhushan Wahane, counsel with Mr. Y.R. Sawaitful, counsel for applicants.

Mr. G.S. Umale, counsel for non-applicant No.1.

Mr. Y.B. Mandpe, counsel for non-applicant No.2.

---

CORAM : PRAVIN S. PATIL, J.  
DATE OF RESERVE : 03/02/2026  
DATE OF DECISION : 12/02/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. Shashibhushan Wahane, counsel with Mr. Y.R. Sawaitful, counsel for applicants, Mr G.S. Umale, learned APP for non-applicant/State and Mr. Y.B. Mandpe, learned counsel for non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. In the present matter, FIR No. 722 of 2024 dated 22/07/2024 came to be registered at Police Station, Bhandara, at the instance of non-applicant No.2 under Section 75(1)(ii), 115(2), 296, 308(2) read with Section 3(5) Bhartiya Nyaya Sanhita, 2023 (Sections 354-A, 323, 294, 384, read with Section 34 of the Indian Penal Code, 1860). The said FIR is is under challenged at the instance of present applicants.

3. The submission of the present applicants is that the present complaint is politically motivated and there is no iota of evidence against them. So also, it is pointed out that, arising out of the same incidents, prior to this, complaint was lodged by non-applicant No.2 at Police Station, Dadar, Brihanmumbai City, which was registered as N.C. No. 0385/2024. However, without disclosing this fact, she has lodged the present complaint against the applicants.

4. The case of the prosecution, in short, is that non-applicant No.2, who is an aspirant for candidature of Loksabha, met present applicant No.1, who is the President of Bahujan Samaj Party (Maharashtra Pradesh) to get Party Ticket to contest the election. She stated that at her

visit at Bhandara for selection of candidates for Loksabha constituency from Bahujan Samaj Party, that time, the applicant was present and during their discussion to get candidature, non-applicant No.2 made certain amount as party fund. It is alleged that, at that time, non-applicant No.2 has demanded an amount of Rs. 15,00,000/- for considering her candidature from the party for constituency of Bhandara - Gondia.

5. It is further alleged that on 23/02/2024, non-applicant No.2 has submitted her application for getting candidature from the party, and as per the demand of applicant No.1, she had paid an amount of Rs. 5,00,000/- to him at Ravi Bhavan, Nagpur, and told him that remaining amount will be paid after receiving A-B Form from the party. It is alleged that applicant no.1 thereafter insisted her to pay the remaining amount as well as asked her sexual favour. The applicant has denied for the same and therefore, the ticket from the Loksabha constituency was allotted to another person.

6. The non-applicant No.2 thereafter demanded back Rs. 5,00,000/- to the applicant, but the same was not refunded by him. On 17/07/2024, a meeting of Bahujan Samaj Party was scheduled at Brahman Sewa Sangha Mandal at Dadar, Mumbai, and in the said meeting, the Senior Members of the party were present. At that time, near about 1.00 p.m. when the applicant No.1 went on the dais to welcome one Shri RamjiGautam, non-applicant No.2 again demanded the Applicant to return back the amount of Rs. 5,00,000/-. It is alleged that, at that time, the non-applicant No.2 was manhandled by present applicant Nos. 2 and 3 and was subjected to filthy abuse by them. As such, on the basis of this, complaint came to be lodged by non-applicant No.2 and the above said offence came to be registered against the present applicants.

7. The applicants, while challenging the registration of the

offence, have pointed out that non-applicant No.2 has suppressed the fact from the investigating officer that for the incident dated 17/07/2024, she has already lodged a complaint to the Dadar Police Station, alleging that she was manhandled and abused by the applicants. However, the said complaint was registered as N.C. No. 1034 of 2024 and non-cognizable report was issued.

8. It is also pointed out that applicant No.1, for the incident dated 17/07/2024, lodged a police complaint against the non-applicant No.2 at the Police Station, Dadar. On the basis of his complaint, the offence came to be registered against non-applicant No.2 vide Crime No. 385/2024 under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 115(2), 3(5), 356 of the Bhartiya Nyaya Sanhita, 2023.

The said registration of the offence was challenged by the non-applicant No.2 before the Principal Bench vide Criminal Writ Petition No. 3879 of 2024 for the quashment of Criminal Proceedings registered against her. This Court, by judgment dated 02/12/2024, dismissed the criminal writ petition filed by the non-applicant No.2 by specifically observing that considering the alleged incidence and the utterance of words was highly humiliating on the part of non-applicant No.2. So also, there is a Panchanama of seizure of CCTV footage. The incident recorded in the CCTV camera, is prescribed in that panchanama which supports the version in the FIR and the eye-witness.

9. As such, considering the overwhelming circumstances and material against the non-applicant No.2, this Court refused to interference in the matter. This Court while disposing the petition observed that there was no justification for slapping of Member of Parliament belonging to Scheduled Caste in public view and utterance of derogatory words. As such, the offence was clearly made out against the present non-applicant No.2.

10. On the basis of these submissions, it is the contention of the applicants that present complaint lodged by the non-applicant No.2 is liable to be quashed and set aside at its threshold.

11. In addition to this, the applicants have also relied upon Section 174 of the Bhartiya Nagraik Suraksha Sanhita, 2023, wherein the procedure is prescribed when the police officers has recorded the complaint as a non-cognizable offence. However, without following the said procedure, the second complaint is filed at difference stations by the applicants and therefore, same is not permissible in the eyes of law.

12. In support of the submission, the applicants have relied upon the judgment of the Hon'ble Supreme Court of India in the case of *T.T. Antony Vs State of Kerla reported in 2001(6) SCC 181*, wherein paragraphs 27 lays down that successive FIRs in respect of the same incident or transaction are impermissible and amount to abuse of the statutory power of investigation has observed as under :-

27. A just balance between the fundamental rights of the citizens under Articles 19 and 21 of the Constitution and the expansive power of the police to investigate a cognizable offence has to be struck by the Court. There cannot be any controversy that sub-section (8) of Section 173 Cr.P.C. empowers the police to make further investigation, obtain further evidence (both oral and documentary) and forward a further report or reports to the Magistrate. In Narang case it was, however, observed that it would be appropriate to conduct further investigation with the permission of the Court. However, the sweeping power of investigation does not warrant subjecting a citizen each time to fresh investigation by the police in respect of the same incident, giving rise to one or more cognizable offences, consequent upon filing of successive FIRs whether before or after filing the final report under Section 173(2) Cr.P.C. It would clearly be beyond the purview of Section 154 and 156 Cr.P.C. nay, a case of abuse of the statutory power of investigation in a given case. In our view a case of fresh investigation based on the second or successive FIRs, not being a counter case, filed in connection with the same or connected cognizable offence alleged to have been committed in the course of the same transaction and in

respect of which pursuant to the first FIR either investigation is under way or final report under Section 173(2) has been forwarded to the Magistrate, may be a fit case for exercise of power under Section 482 Cr.P.C. or under Article 226/227 9of the Constitution.

13. In respect of offence, which is registered against the present applicants under Section 308 (2) of the BNS, the submission of the applicant is that for attracting this offence, the necessary ingredient is that, the victim must be induce to deliver to any person any property or valuable security etc. The delivery of the property must be with consent, which has been obtained by putting the person in fear of any injury. In such case, will of the victim has to be over power by putting him or her in fear of injury. Forcibly taking any property will not come under this definition. It has to be shown that person was induced to part with the property by putting him in a fear of injury. These ingredients are found absent in the complaint and hence, offence under Section 308 (2) is not made out in the matter. To support his submission, the applicants has relied upon the judgment of the Hon'ble Supreme Court of India in the case of *Salib alias Shalu alias Salim Vs State of Uttar Pradesh and others reported in (2023) 20 SCC 194*.

14. Per contra, learned APP and respondent No.2 have strongly opposed the said application. According to them, if the complaint of the non-applicant No.2 is considered, it will be clear to this Court that in addition to the incident dated 17/07/2024, there are allegations against the applicants that on 06/02/2024, he has demanded Rs. 15,00,000/- and further demanded a sexual favour from her. Hence, considering this allegation levelled by the applicant, the offence is rightly registered against the present applicants in the matter and hence, there is need of thorough enquiry in the matter. Hence, it is not fit case to interference at this stage of the matter.

15. After considering the submissions of both the parties at length and the fact that for the incident dated 17/07/2024, the present non-applicant No.2 had already lodged a complaint at the Police Station Dadar which was registered as non-cognizable Report No. 1034/2024 was necessary for the non-applicant No.2 to disclose while lodging the complaint at Police Station, Bhandara.

16. It is further pertinent to note that applicant No.1 had himself lodged the complaint against the non-applicant No.2 on the allegation that she has abused him on the castes and slapped him in a public meeting. This Court, while dismissing the Criminal Writ Petition No.3879/2024, filed by the non-applicant No.2 has rejected the entire defence of the present non-applicant No.2 and dismissed the writ petition.

17. It is further pertinent to note that the Section 174 of the BNSS, 2023 provide the specific procedure in the cases where the police station has refused to registered as a cognizable offence against accused person. However, the non-applicant No.2 failed to take recourse of said Section in the matter. Therefore, on the basis of same incident, she cannot be permitted to lodge the subsequent complaint in the matter. The same would be against the law laid down by the Hon'ble Supreme Court of India in the case of *T.T. Antony (supra)*.

18. In view of this factual and as well as legal potion, prima-facie, in my opinion, the complaint lodged by non-applicant No. 2 being politically motivated and without disclosing the correct factual position of the facts as well as law, do not constitute the offence as alleged. Hence, in my considered opinion, continuation of the proceedings against the present applicants would nothing but abused of process of Court of law and therefore, indulgence of this Court is necessary. Hence, I proceed to

pass the following order.

**ORDER**

- a] The criminal application is **allowed**.
  - b] The proceedings bearing Crime No. 722 of 2024 registered at Police Station Bhandara, for the offence punishable under Sections 75(1)(ii), 115(2), 296, 308(2) read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023 (under Sections 354-A, 323, 294, 384 and Section 34 of the Indian Penal Code, 1860), is hereby quashed and set aside.
  - c] All pending applications stand disposed of.
19. Rule is made absolute in the aforesaid terms. No orders as to costs.

**(PRAVIN S. PATIL, J)**