



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

CRIMINAL APPLICATION (APL) NO. 145 OF 2025

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| 1. | Sharda Vasanta Kshirsagar
Aged about 24 years,
Occupation : Service | <u>APPLICANTS</u> |
| 2. | Vasanta s/o Prabhu Kshirsagar
Aged about: 58 years,
Occupation: Retired | |

// V E R S U S //

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| 1. | The State of Maharashtra,
Through Police Station Officer,
Police Station, Mahagaon, Tq.
Mahagaon, Dist. Yavatmal | <u>NON-APPLICANT</u> |
| 2. | Maroti s/o Prabhu Kshirsagar,
Aged about 55 years,
Occupation: Agriculturist, R/o
Sawana, Tq. Mahagaon Dist.
Yavatmal | |

Mr. A.M. Raut, Advocate for the applicants.
Mr. A.M. Kadukar, APP for non-applicant /State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 18.02.2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. Despite service of notice none appears for non-applicant No.2.

4. The present application is preferred by the applicants for quashing of the First Information Report in connection with crime No.175/2023 registered with the non-applicant No.1-Police Station Mahagaon under Sections 325, 504, 506 and 34 of the Indian Penal Code, 1860

5. The crime is registered on the basis of report lodged by non-applicant No.2- Maroti Prabhu Kshirsagar on an allegation that he is residing along with his family members and owned agricultural land Survey No.87 admeasuring 1.94 HR and Survey No.107 admeasuring 2.90 HR. The present applicant No.1 is the wife of brother of non-applicant No.2. There was dispute on account of said agricultural land. It is alleged that on 10.03.2023 when he was present in the agricultural field for watering crops at that time present applicants along with the other co accused came there and assaulted him. Due to which he has sustained the

injuries. On the basis of said report police have registered the crime against the present applicants.

6. Heard learned counsel for the applicants who submitted that in fact present applicant No.1 who applied for the post of police constable was not present at the time of incident. She relied upon medical certificate which is issued by Sub-District Hospital Pusad wherein it is mentioned that she was suffering from viral fever and unable to resume her duties 10/03/2023 to 12.03.2023. Thus, he submitted that applicant was not present at the spot of incident. Merely because there is a dispute she is implicated in the alleged offence.

7. Per contra, learned APP strongly opposed the same by stating that the statement of the informant as well as the medical certificate sufficiently shows the involvement of the present applicants. The informant had sustained the fracture injury in the said incident. The medical certificate that fracture was noted at first metacarpal bone with associated soft tissues swelling is apparent from the medical certificate. As far as the defence of the present applicants regarding the alleged incidents is concerned which is to be established during trial. At this stage, the statement

of the informant substantiated by medical certificate sufficient is to show a prima-facie case against the present applicants.

In view of that application deserves to be rejected.

8. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is rejected.

9. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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