



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

CRIMINAL APPLICATION (APL) NO. 1112 OF 2025

[Shri Shankarprasad Babulalji Agnihotri **vs.** State of Maharashtra, through P.S.O.,
P.S. Ramnagar, Wardha, Tah. & Dist. Wardha and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil Mardikar, Senior Advocate assisted by Mr. V. S. Kukday and
Mr. Mihir Puranik, Advocates for the applicant
Mr. N. S. Autkar, APP for the State/non-applicant no. 1

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 20-04-2026.

The applicant has filed this application to quash First Information Report (FIR) No. 0767/2024 registered with Ramnagar Police Station, Wardha for the offences punishable under Sections 109(1), 118(1), 191(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS').

2. It is the case of prosecution that the complaint was lodged by Aditya Sanjay Angihotri, who is non-applicant no. 2. It is stated that on 7-9-2024, when he was present in his home, Suraj Agnihotri and Sachin Agnihotri came in front of his house and had quarreled with him and had also abused the father of complainant as well as his uncle. The complainant along with Sanjay Agnihotri, Manish Agnihotri and Girish Agnihotri while going to Ramnagar Police Station, near Tuljabhavani Temple, Sachin Agnihotri, Shankar Agnihotri, Suraj Agnihotri and Abhijit Raghuvanshi had stopped them and abused them and thereafter Suraj Agnihotri had assaulted the father of complainant by fists and blows. Subsequently, Suraj

Agnihotri tried to assault father of complainant by means of knife, however, complainant rescued his father. The assault by iron hammer was also made on complainant by one of the accused persons. On the complaint lodged by the complainant, crime is registered against this applicant along with other co-accused.

3. Learned Senior Counsel for the applicant has stated that the counter FIR is lodged subsequent to the FIR lodged by the accused person. Allegations made against the complainant and others in this crime are about assault with knife. Injury certificate along with charge-sheet show that injuries were simple injuries. The allegation made against this applicant is that he was present at the time of incident. No role is attributed to this applicant, hence prayed to quash and set aside the FIR registered against the applicant.

4. Learned Additional Public Prosecutor opposed the application stating that presence of this applicant was on the spot, assault was with knife, the injury is on stomach, other accused have also assaulted with stick and though the counter FIR is there, offence under Section 149 is registered against this applicant and other co-accused. Hence, he prayed to reject the application.

5. On perusal of FIR and charge-sheet, it appears that counter FIRs are registered. Presence of this applicant is not denied. It appears that the applicant was present but no role is attributed to this applicant. There are no allegations about abetment to said crime. Considering the

role attributed to this applicant, the case is made out to quash the FIR against this applicant. The application is allowed.

6. FIR No. 0767/2024 registered against the applicant with Ramnagar Police Station, Wardha is quashed and set aside subject to costs of Rs. 20,000/- to be paid by the applicant to the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No. 129712010001014 and IFSC Code UBIN0812978 and to produce the receipt thereof on record within two weeks.

7. The application stands disposed of.

JUDGE

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