



Judgment

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

CRIMINAL APPLICATION APL NO.1192/2025

1. Nikhil Shrikrishna Agrawal,
aged about 35 years, occupation-
agriculturist, r/o Khel Despande,
telhara, taluka Telhara and district Akola.

2. Subhash Ratanlal Agrawal,
aged about-adult, occupation-
agriculturist, r/o Khel Despande,
telhara, taluka Telhara and district
Akola.

..... Applicants.

:: VERSUS ::

1. The State of Maharashtra,
through PSO of PS Telhara, taluka
Telhara and district Akola.

2. Aditya Jagdeesh Agrawal,
aged about 29 years, occupation-
agriculturist, r/o Ubarkhed, taluka
Telhara, district Akola.

..... Non-applicants.

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Shri K.A.Agrawal, Counsel for Applicants.
Shri Nikhil Joshi, APP for NA No.1/State.
None for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATE : 09/02/2026

ORAL JUDGMENT

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1. Heard learned counsel for applicants and learned APP for non-applicant No.1/State. Despite service, none appears for non-applicant No.2. **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.188/2025 registered for offences under Sections 115(2), 189(2), 296, and 351(2) of the BNS and consequent proceeding arising out of the same bearing RCC No.288/2025.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 on allegations that land survey No.1B at Ubarkhed is owned by him and applicants along with other submitted application with the Tahsildar to create drainage besides the aforesaid field for flow of waste water. It is further alleged that on the basis of the said request made to the Tahsildar, a cite inspection was directed to be carried out by the Circle Office, of the Land Records. Accordingly, applicant No.2 along with his elder brother was present and at that time, applicants along with others who have requisition were

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present. It is alleged that non-applicant No.2 disclosed that he has never obstructed anyone in the field for creating drainage for removal of waste water. However, it is wrongly published in newspaper about the same. On that count, there was hot exchange of words between them and it is alleged that applicants came towards him to assault. However, police persons were present there and, therefore, he was not assaulted.

He alleged that in the next incident, other co-accused came there, abused him in a filthy language, and assaulted him by fists and kick blows.

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

4. Learned counsel for applicants submitted that two incidents alleged to be narrated by non-applicant No.2.

As far as first incident is concerned, which took place at about 2:00 pm, presence of applicants was seen, but general

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and omnibus allegations are levelled against them. However, recital of the FIR nowhere shows that applicants have assaulted non-applicant No.2 at the relevant time.

As far as second incident is concerned, regarding the same, name of applicants are not mentioned.

Thus, no offence is made against applicants.

In view of that the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that on the pretext of creating a stream for flowing of waste water, the alleged incident has occurred. There is medical certificate, which shows that non-applicant No.2 has received injury in the nature of “blunt trauma”, which is sufficient to show involvement of applicants in the alleged offence.

In view of that, the application deserves to be rejected.

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6. Recital of the FIR and various statements of witnesses, admittedly, shows that two incidents have occurred, as far as applicants are concerned, which is shown in the earlier incident, which took place on 13.6.2025 at about 2:00 pm, which took place in presence of Circle Officer of the, Land Records and Police.

7. Considering allegations levelled against applicants, which are general in nature, that during hot exchange of words, applicants went on the persons of non-applicant No.2, he was not assaulted.

As far as second incident is concerned, his presence is not shown.

8. Thus, even accepting allegations as it is, no *prima facie* case is made out against applicants as there is no allegation that applicants have assaulted on that day.

9. In view of that, the application deserves to be allowed as continuation of criminal proceeding against applicants in

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absence of any specific allegation would be abuse of process of law.

10. In this view of the matter, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) The FIR in connection with Crime No.188/2025 registered for offences under Sections 115(2), 189(2), 296, and 351(2) of the BNS and consequent proceeding arising out of the same bearing RCC No.288/2025.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)