



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

CRIMINAL APPLICATION (APL) NO.1241/2025

(Dhiraj @ Niraj Wadgu Laorkar and another Vs. State of Maharashtra, through PSO PS Lakadganj, Nagpur and another)

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

Court's or Judge's orders

Mr. M.N. Ali, Advocate for the applicants.
Ms. M.A. Barabde, A.P.P for the non-applicant No.1/State.
Mr. Snaket Joshi, Advocate (appointed) for the non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED: 23.4.2026.

The applicants have filed this application seeking quashing of the F.I.R., charge sheet, and SCC No. 3774/2025 arising out of Crime No. 67/2025, registered for offences punishable under Sections 296, 351(2), 352, and 3(5) of the Bharatiya Nyaya Sanhita.

2. The prosecution case is that the applicants abused the complainant (non-applicant No. 2) by using filthy language and threatened to file false complaints against him under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCST Act) and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). Therefore, the crime was registered.

3. The learned Advocate for the applicants submitted that, from the F.I.R. itself, no offence under Section 296 of the I.P.C. is made out because no obscene words were used by the applicants. There is nothing in the record or charge sheet to support this offence. Since the offence under Section 296 is not made out, Sections 352 and 351(2) are only non-cognizable offences. It is further submitted that this complaint was filed only because the applicants had earlier

lodged complaints against non-applicant No.2, due to which crimes were registered against them under the SCST Act and the POCSO Act. As no offence is made out against the applicants, it is prayed that the F.I.R. and charge sheet be quashed and set aside.

4. The learned Advocate for non-applicant No. 2 opposed the application and submitted that several offences have been registered against the applicants and their family members. They are habitual offenders and had used abusive language. Therefore, it was prayed that the application be rejected.

5. Heard the learned Advocates for the parties and perused the record.

6. After going through the F.I.R. and charge sheet, it appears that although abusive language is mentioned, the specific words used are not stated. Merely alleging that filthy language was used by the applicants, without mentioning the exact words or showing that it was heard by others, does not make out an offence under the SCST Act.

7. Reliance is placed on the judgment of this Court in Dnyanoba S/o Nivrutti Thormote & Anr. v. The State of Maharashtra & Anr., 2018 ALL MR (Cri) 4933, where it was observed that while deciding whether any words or recital are obscene, the surrounding circumstances must also be considered. Reliance is also placed on the judgment in Abdul Karim S/o Samruddin v. The State of Maharashtra & Anr., 2014 ALL MR (Cri) 685, where the Court explained the basic requirements for prosecuting a person under Section 294 of the I.P.C., namely that the words must be uttered in a way that causes annoyance to others.

8. Here, even after going through the charge sheet and the statements of the witnesses, even the husband of the complainant has not mentioned the exact words by which he was abused. There is also no witness who heard those words. Therefore, the offence under Section 296 of the I.P.C. is not made out from the contents of the F.I.R., and the other offences are non-cognizable. Hence, a case is made out to quash and set aside the F.I.R. and charge sheet against these applicants. Therefore, the following order is passed:

ORDER

- i) The F.I.R., charge sheet and SCC No. 3774/2025 arising out of Crime No.67/2025 filed against the present applicants are quashed and set aside subject to their depositing Rs.5,000/- with 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 producing the receipt thereof on record within two weeks.
- ii) The fees of the learned Advocate appointed for the non-applicant No.2 be paid by the Legal Aid Services Sub-Committee, High Court, Nagpur, as per rules.
- iii) The application is allowed in the above terms and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)