



Judgment

9 apl1469.25

1

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

CRIMINAL APPLICATION APL NO.1469 of 2025

1. Vinod Mangalchand Rokade,
age: 32 years, occupation: education.

2. Shubham Mangalchand Rokade,
age: 32 years, occupation: education,
both are r/o Malegaon, taluka Malegaon,
district Washim. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer,
Police Station, Shirpur, taluka Malegaon,
district Washim.

~~2. Rajendra Shriram Wankhede,
aged about 53 years, occupation: PSO, Police
Station, Shirpur, taluka Malegaon,
district Washim. **Non-applicants.**~~

=====

Shri S.P.Borchate, Counsel for the Applicants
Shri Nikhil Joshi, APP for Non-applicant No.1/State.

=====

CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **05/02/2026**

ORAL JUDGMENT

2

1. Heard learned counsel for the applicants and learned APP for the State. **Admit.** Heard finally by consent.

2. By this application, the applicants are seeking quashing of the FIR in in connection with Crime No.81/2023 registered for offences under Section 143, 147, and 149 of the IPC and under Section 135 of the Maharashtra Police Act and consequent proceeding arising out of the same bearing chargesheet No.40/2024.

3. At the instance of report lodged by police official, a crime has been registered. As per the case of the prosecution, on 19.3.2024, information has been received that a group belonging to “Shwetambar Jain Community” took a March on public road. Those people by giving loud slogans were proceeding from the side of the “Nikalan Niketan”. It is further contended some people who are followers of “Digambar Jain Group” had argument with the said March and there was hot exchange of words between two groups in

3

which stones were pelted. On account of the said incident, the police lodged the report wherein the applicants were also named.

4. Learned counsel for the applicants submitted that besides omnibus reference of several names in the FIR, the entire chargesheet does not even show reference about the presence of the applicants. He submitted that the complainant has not attributed any specific role to the applicants. In view of that, no *prima facie* case is made out against the applicants and, therefore, the application deserves to be allowed.

5. *Per contra*, learned APP for the State strongly opposed the said contentions and submitted that considering statements of witnesses and the FIR lodged by the police official, it shows that the applicants were involved in pelting stones on other group and, therefore, a *prima facie* case is

4

made out against the applicants and, therefore, the application deserves to be rejected.

6. On hearing both the sides considering the FIR and investigation papers, except omnibus reference of the applicants, there is no specific role attributed to them. The contents of the FIR indicate that while concluding narration, the complainant stated names of 18 persons wherein the names of the applicants are also included. Even, the entire material is taken into consideration, in absence of any specific role or any material, chances of conviction are remote .

7. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

(2) The FIR in in connection with Crime No.81/2023 registered for offences under Section 143, 147, and 149 of the

5

IPC and under Section 135 of the Maharashtra Police Act and consequent proceeding arising out of the same bearing chargesheet No.40/2024 are hereby quashed and set aside to the extent of the present applicants.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!