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

CRIMINAL APPLICATION (APL) NO.1643 OF 2025

1. Vishnu s/o Bhagwan Wagh,
Aged about 42 Years,
Occupation : Legal Practitioner,
R/o. Deulgaon, Kundpal,
District Buldhana – 443302. **APPLICANT**

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Lonar,
District Buldhana.
2. Praksh Maraji Bharshankar,
Aged about 50 Years,
Occupation : Agriculturist,
R/o. Pimpalner,
Tahsil Lonar, District Buldhana.**NON-APPLICANTS**

Mr. A. S. Dhore, Advocate along with Mr. Y. S. Bangale,
Advocate for applicant.
Ms. M. A. Barabde, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicant and learned APP for the State. None appears for
the non-applicant No.2 despite service of notice.

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4. By this application, the applicant is seeking quashing of the FIR in connection with Crime No.286/2025 registered with Police Station Lonar, District Buldhana for the offence punishable under Sections 351(2), 352, 115(2), 191(2), 190, 189(2) of the Bharatiya Nyaya Sanhita, 2023.

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that the possession of the land is with him and the land is owned by his father. On 16.07.2025, the complainant came to know that the present applicant along with other co-accused persons insisted his father to sell out the property and therefore, his father was present there. He immediately rushed to the office of Registrar, wherein there was a hot exchange of words. The present applicant being lawyer was present there and was instigating the others. On his instigation, the other accused assaulted him as well as his family members. On the basis of the said report, police have registered the crime against the present applicant.

6. Learned counsel for the applicant submitted that the entire recitals of the FIR only disclose the act of the present applicant to the extent that the present applicant has disclosed that they will not understand anything and they should remain outside the office. Except that allegation, there is no other allegation levelled against the present applicant. He submitted

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that only to register the document, he was present there. He has no concern with any instigation or any incident happened with the non-applicant No.2 and other co-accused. He submitted that merely because he was present there as an advocate, he is implicated in the alleged offence.

7. Learned APP strongly opposed the said contention and submitted that the statements of the witnesses disclose that on the instigation of the present applicant, the other co-accused assaulted the informant and other family members. In view of that, the application deserves to be rejected.

8. On hearing both sides and on perusal of the recitals of the FIR, admittedly, only allegation against the present applicant that he asked the informant and other family members to wait outside, as they will not understand anything, except that, there is no allegation that either he was instigating or abetting them for committing any offence. Though charge sheet is not filed, but the investigation papers are placed on record for perusal. On perusal of the investigation papers, it reveals that as far as the allegation regarding the abetment or instigation is concerned, which is subsequently came in the statement of the informant and his son Aakash. The Investigating Officer has also recorded the statement of the independent witnesses, employees of the Registrar's office, which nowhere discloses that the present

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applicant has either instigated or abetted the other co-accused to assault the informant or his family members. The said statement only discloses his presence in the said office. Thus, considering the statement of the independent witnesses, the *prima facie* case is not made out against the present applicant.

9. After applying the principles laid down by the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335**, which reads as under:

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just

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conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

As the *prima facie* case is not made out against the present applicant and no offence is made out against him. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The FIR in connection with Crime No.286/2025 registered with Police Station Lonar, District Buldhana for the offence punishable under Sections 351(2), 352, 115(2), 191(2), 190, 189(2) of the Bharatiya Nyaya Sanhita, 2023, is quashed and set aside to the extent of the present applicant.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)