



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

CRIMINAL APPLICATION(APL) NO. 1644 OF 2025

(Gangadhar Bhaskar Chichghare & anr. VS. State of Maharashtra &
ors.)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.N.Morande, counsel for the applicants.

Ms. M.A.Barabde, APP for the State.

Mr. Anil A.Dhawas, counsel for non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATE: 04/05/2026

1) The applicants have filed the present application for quashing of the Charge-sheet No.36 of 2026 filed before the Judicial Magistrate First Class, Armori and the First Information Report No. 0404 of 2025 registered with police station Armori, District Gadchiroli for the offence punishable under Sections 115(2),126(2),296,3(5),351(2) and 352 of the Bharatiya Nyaya Sanhita 2023.

2) It is the case of the prosecution that the non-applicant no.2 lodged a report at Police Station Armori stating that, when the first informant, along with her husband, was going to the forest for collecting the fire wood, the applicants restrained them and asked them why they were collecting wood from forest. Thereafter, one of the applicants slapped her and abused her in filthy language. She went to the house. The applicants informed about the firewood kept in the house of the non-applicant No.2 to Forest Office and thereafter, the raid was conducted, and teak wood collected from the forest was seized. Thereafter, the non-applicant No.2 has lodged the

complaint and the crime came to be registered against both applicants.

3) The learned counsel for the applicants has stated that there is a delay of two days in lodging this complaint. According to the complainant, the incident took place on 27/09/2025, and the FIR is registered on 29/09/2025. On 28/09/2025, the raid was conducted, and the teak wood was seized from her house. Thereafter, the brother-in-law of the non-applicant No.2 assaulted the applicant no.1 on 29/09/2025 as he has informed the Forest Officer about the teak wood and on his information the raid was conducted. The brother-in-law of the non-applicant No.2 has also abused him in filthy language and therefore, the applicant has lodged the complaint against the said two persons who are the in-laws of the non-applicant No.2.

4) The learned counsel for applicants has further stated that this FIR is a counterblast to the FIR lodged by the applicants. The applicants have not committed any offence. They gave the CCTV footage to prove that at the time of alleged incident they were not present on the spot. After the incident of raid i.e. on 28/09/2025, the complainant, went to the house of applicant No.2, and she quarreled with them. At that time she has not mentioned the alleged incident. The CCTV footage provided by the applicants, is played in police station, however, have not considered it while filing the charge-sheet. The statements of four witnesses are recorded out of whom two are the persons who have assaulted the applicants. One is the husband of the non-applicant No.2, and one is the non-applicant No.2 herself. There is nothing on record to prove the offence against these applicants; hence prayed to quash and set aside the FIR and the charge-sheet filed against these applicants.

5) Learned counsel for the non-applicant No. 2 opposed the application, stating that there are several cases registered against the applicant No.1, though the incident took place on 27/09/2025, it was continued. From the FIR itself, it appears that on 28/09/2025,

he has given threats, and on 29/09/2025, the applicants have filed the FIR against the family members of Non-applicant No.2. The delay cannot be considered at the stage of quashing of the FIR. The trial is required. The CCTV footage can be considered as evidence only. Hence prayed to reject the application.

6) The learned APP opposed the application, stating that from the FIR itself, it shows that there is material against these applicants. It is the discretion of the Investigating Officer which evidence would be added in the charge-sheet; therefore, non-addition of the CCTV footage in charge-sheet cannot be the ground for quashing the FIR. There is material on record, hence prayed to reject the application.

7) The learned APP has relied on the judgment of this Court passed in *Criminal Application No.1346 of 2023 in Criminal Application (Apl) No. 573 of 2022, decided on 18.10.2023*, wherein this court has observed about the discretion of the Investigating Officer.

8) Heard both sides.

9) From the FIR itself, it appears that there is a delay in lodging the FIR of two days. On 27/09/2025, an incident took place. However, the FIR is registered only after the registration of a crime against the family members of non-applicant no.2. There is every possibility of lodging the FIR against these applicants, as they have been informed about the teak wood in the house of non-applicant no.2 and the raid was conducted. Though the CCTV footage which was provided by the applicants, was run in the police station and nothing was found. The witnesses on whom the Investigating Officer has relied and filed the charge-sheet are the persons against whom the applicants have lodged the FIR on 29/09/2025.

10) The learned counsel for the non-applicant No.2 has stated that the applicant No. 1 has antecedents. The applicants have relied on the judgment of the Hon'ble Apex Court in *Criminal Appeal No. 2340 of 2023 (arising out of S.I.P.(criminal) No.10656 of 2-022*

Mohammad Wajid and anr. Vrs.State of U.P and ors. In paragraph no.33, the Hon'ble Apex Court has observed that the delay in registration of the FIR, by itself, cannot be the ground for quashing the FIR. However, delay with other attending circumstances emerging from the record of the case rendering the entire case put up by the prosecution inherently improbable, may be a good ground to quash the FIR and consequential proceedings. It is further observed that only because there are antecedents, the Court cannot decline to quash the criminal case.

11) Considering the FIRs registered against each other and the allegations, the delay, the number of witnesses and considering the observations made by the Hon'ble Apex Court, the case is made out to quash the Charge-sheet and the FIR against these applicants. Hence, the Charge-sheet No.36 of 2026 filed before the Judicial Magistrate First Class, Armori and the First Information Report No. 404 of 2025 registered with police station Armori, District Gadchiroli for the offence punishable under Sections 115(2), 126(2), 296, 3(5), 351(2) and 352 of the Bharatiya Nyaya Sanhita 2023 are hereby quashed and set aside.

12) The application is allowed and disposed of.

JUDGE