



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

CRIMINAL APPLICATION (APL) NO. 1751 OF 2025

[Chandrashekhar Madhaorao Lichade **vs.** The State of Maharashtra, through P.S.
Gondia Rural, District Gondia and anr.]

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

Court's or Judge's orders

Mr. A. S. Manohar, Advocate for the applicant
Mr. A. M. Joshi, APP for the State/non-applicant no. 1

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 20-04-2026.

The applicant has filed this application for quashing First Information Report (FIR) No. 0276/2023 registered with Gondia Rural Police Station, District Gondia for the offences punishable under Sections 327, 385, 395, 452, 504 and 506 of the Indian Penal Code.

2. It is the case of prosecution that the complainant Anil Vishwakarma has lodged the complaint stating that he resides at Ganeshnagar, Gondia and having godown of scrap material in the name of 'Durga Traders'. Since 2010, adjoining land besides godown bearing Khasra No. 115/1 stands in his name. It is his further allegation that on 15-7-2023, accused Arbaj @ Raja Akil Shaikh, Ganesh Raut and Vinod Meshram, residents of Fulchurpeth, Gondia and the applicant came to the godown of the complainant and extended threats to him and stated that said plot belongs to them and also demanded ransom for leaving their plot and also extended threats to the complainant of dire consequences. Again, on 19-7-2023, around 11.a.m., when his son along with his

friends Karanjit Singer and Shivam Agrawal was taking lunch in the godown, accused persons came there and abused the complainant's son and also demanded the amount and went away. On 21-7-2023, around 12.00 noon, when complainant's son was working in the godown with labourers, at that time, accused Arbaj Akil Shaikh, Ganesh Raut and Vinod Meshram along with 10-12 persons came in the godown and demanded Rs. 25 Lakhs or otherwise they will kill his father, also slapped the son of the complainant and taken away Rs. 18,000/- from the pocket of complainant's son and extended threats to the labourers to leave from the said place and they ran away by putting the name of Raja Shaikh and Ganesh Raut on the board of the said plot. On the complaint of complainant, FIR was registered against Arbaj Akil Shaikh, Ganesh Raut, Vinod Meshram and their 10-12 associates.

3. Learned counsel for the applicant has stated that the name of the applicant is not mentioned in FIR, which was registered on 21-7-2023. The allegations are made that all the accused persons in chorus threatened to the complainant and his son. He has relied upon the judgment of Hon'ble Apex Court in the case of ***Mohd. Wajid and another Vs. State of Uttar Pradesh and others [(2023) 20 SCC 219]*** wherein the Apex Court has observed that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need, with due care and circumspection try to read in between the lines.

4. Learned counsel for the applicant has also relied upon judgment of this Court in the case of ***Balkrushna and others Vs. State of Maharashtra through P.S. Neknur and another [2022 SCC OnLine Bom 6709]*** wherein it is observed that how three persons in one go, at one and the same time, could in-chorus use identical words for abusing the informant on caste basis.

5. It is also observed by this Court at Aurangabad Bench in ***Criminal Application No. 3244/2023 (Shivraj M. Mule and anr. Vs. The State of Maharashtra and anr.)*** that the abuses cannot be given in chorus by two or more persons at the same time and in the same words. If we consider the statements of witnesses, this itself is a point to state that the offence cannot be attracted when the abuses are stated to have been given in chorus.

6. Learned counsel for the applicant has brought to the notice of this Court statement of Adarsh Vishwakarma, son of complainant and submitted that in his statement, applicant, who is Advocate, his name is not mentioned. There is no possibility of giving threats by him and on the basis of said threats given in chorus, offence for dacoity and extortion cannot be registered against this applicant and prayed to set aside the FIR registered against the applicant.

7. Learned Additional Public Prosecutor opposed the application stating that the specific allegations are made against this applicant. As per statement of Shivam Lalit Agrawal, the name of this applicant is mentioned that

he is one of the accused, who came to godown and abused the complainant. As there is material against this applicant, this is not a case to set aside the FIR. Hence, he prayed to reject the application.

8. Heard both the counsels. After going through the record, it appears on plain reading of FIR, the name of this applicant is not mentioned. There are three incidents mentioned, one is of 15-7-2023, another is of 19-7-2023 and last is 21-7-2023. As per statement of one of the witnesses, Mr. Shivam Agrawal, he has mentioned that the applicant was present on 19-7-2023. Though the allegations made are about giving threats, there is no any statement on record that this applicant gave threats and extorted money. The specific allegations about extortion are not made. Considering the material against the applicant and in view of the observations made by the Apex Court and this Court in above judgments, it appears that no offence is made out against this applicant. Hence, the application is allowed.

9. FIR No. 0276/2023 registered against the applicant with Gondia Rural Police Station, District Gondia and further the proceedings filed on charge-sheet against this applicant are quashed and set aside, subject to costs of Rs. 10,000/- to be paid by the applicant to 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 to produce the receipt thereof on record within two weeks.

10. The application stands disposed of.

JUDGE

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