



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

CRIMINAL APPLICATION (APL) NO. 1937 OF 2025

1. Vaishali Sanjay Bais,
Aged 27 years, Occ.- Graduate,
2. Rupali Sanjay Bais,
Aged 30, Occ.- Graduate,
3. Deepali Sanjay Bais,
Aged 24, Occ.- Education,
All R/o C/o Sanjay Bais Gohagaon,
Washim Mahagaon Maharashtra
444506.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. Police Station Officer, Police
Station Washim Gramin
Distt. Washim.
2. Sunil Sanju Bhonsle,
Aged 26 years, Occ.-Bussinees,
R/o- Jabharun Navji Washim Gramin
Tq. & Distt. Washim.

NON-APPLICANTS

Mr. U.J. Deshpande, Advocate for the Applicants.
Mr. N.H. Joshi, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23rd MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicants and learned APP for the Non-applicant No.1/State.
3. Despite service of notice none appears for the Non-applicant No.2.
4. The present Application is preferred by the Applicants under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report in connection with Crime No.155/2024 registered with Police Station Washim (Gramin) for the offences punishable under Section 324 read with Section 34 of the Indian Penal Code (for short "IPC") and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 and consequent proceeding arising out of the same bearing ST. No. 90/2024 pending before the Sessions Judge, Washim.

5. Heard learned Counsel for the Applicants, who submitted that the crime is registered on the basis of a report lodged by the Non-applicant No.2/Sunil Sanju Bhonsle who is the injured on an allegation that on 19.03.2024 at about 02.00 p.m., when he was proceeding towards the market, at that time there was hot exchange of words between him and the co-accused Sanjay Bais and on that count said Sanjay Bais and the present Applicants have assaulted him by means of sticks as well as he was abused on his caste. On the basis of the said report Police have registered the crime against the present Applicants.

6. He invited my attention towards the statement of the injured Sunil Sanju Bhonsle which was recorded on 20.03.2024 and submitted that except the general statement that he was also assaulted by the present Applicants, there is no specific act attributed to the present Applicants. On the contrary, he has specifically narrated the act of the co-accused Sanjay Bais. He submitted that, the statements of the eyewitnesses have also recorded, who have attributed the role of assault by the present Applicants by fist and kick blows, however, the injured

has not stated so. Thus, he submitted that, there is inconsistency as far as the involvement of the present Applicants are concerned. He further invited my attention towards the fact that, the Applicant No.1/Vaishali Bais is 64% disabled, and therefore, the allegations levelled against her appears to be unacceptable and improbable. He submitted that, only to implicate the members of the family in such type of crime, they are implicated due to the previous enmity between them, and therefore, no *prima face* case is made out against them. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP strongly opposed the said contention and invited my attention towards the statements of the eyewitnesses and submitted that, the statements of eyewitnesses specifically attributes the role to the present Applicants. In view of that, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers it reveals that, there was previous dispute between the present Applicants and the Non-applicant No.2. As per the allegations by the Non-applicant No.2, on

19.03.2024 at about 02.00 p.m., when he was proceeding towards the market at Washim, there was hot exchange of words between co-accused Sanjay Bais and him and during that hot exchange of words, the present Applicants and the co-accused Sanjay Bais assaulted him by means of sticks as well as by means of slaps. The statement of said Sunil Sanju Bhonsle was recorded on 20.03.2024 i.e. the Non-applicant No.2, wherein he has generally stated that the present Applicants have also assaulted him. As far as the assault by stick is concerned, which is attributed to the co-accused Sanjay Bais. The allegations of abuses on the caste are also attributed to the co-accused Sanjay Bais. There is inconsistency in the statement of the eyewitnesses and the statement of the injured. As far as the allegations by the eyewitnesses are concerned, who have attributed the role to the present Applicants of assault by fist and kick blows, which is not narrated by the Non-applicant No.2.

9. Considering the fact that, the Applicant No.1 is 64% disabled person, the medical certificate is on record and considering the statement of the Non-applicant No.2 who has

not specifically assigned any role to the present Applicants, and therefore, no *prima facie* case is made out against them.

10. By applying the parameters laid down by the Hon'ble Apex Court in the case of Hon'ble Apex Court in the case of **State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604**, while considering the Application under Section 482 of Cr.P.C., 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 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.”

11. By applying the above parameters to the facts of the present case, admittedly, no *prima facie* case is made out against the present Applicants, only general, omnibus and vague allegation is levelled against them. The allegation of assault by stick and allegation of abuses on caste are levelled against the co-accused. In view of that, the Applicants have made out the case to exercise the power under Section 482 of Cr.P.C./528 of B.N.S.S., 2023 in favour of the present Applicants. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
- ii. The First Information Report in connection with Crime No. 155/2024 registered with Police Station

Washim (Gramin) for the offences punishable under Section 324 read with Section 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 and consequent proceeding arising out of the same bearing ST. No. 90/2024 pending before the Sessions Judge, Washim, are hereby quashed and set aside to the extent of the present Applicants.

12. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte