

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No.1514 OF 2017

(Arising out of S.L.P. (Criminal) No.7163 of 2014)

DR.HITESH S/O SURESH GAWANDE & ORS. .. APPELLANT(S)

Versus

STATE OF MAHARASHTRA & ANR. .. RESPONDENT(S)

O R D E R

1. Leave granted.

2. The F.I.R. dated 21st November, 2013 was lodged with the Police Station Darwaha, District Yavatmal, Maharashtra, by one Suresh Gawande, the father of appellant No.1, at about 7.30 p.m. against respondent No.2, alleging that fist blows and kicks were given to the appellant. Immediately thereafter at 8.30 p.m. a counter blast F.I.R. was lodged by the respondent No.2 herein in which it was alleged that Suresh Gawande took out a knife and "hit on my chest due to which my chest was bleeding and abused me and threatened to kill". Three persons, being the wife, son and daughter of Suresh Gawande, are named in the counter blast F.I.R. It is stated that they also came there and abused the complainant's wife. The offences, were, therefore, registered under Sections 324, 504 and 506 read with Section 34 of Indian Penal Code. The quashing petition was rejected by the High Court.

3. On a reading of the counter blast F.I.R, we are of the opinion that the offence if any was, prima facie, only made out against Shri Suresh Gawande. His wife, son and daughter appear to have been roped in as the complaint against them is only an alleged abuse of the wife of the complainant. In this view of the matter, F.I.R. dated 21<sup>st</sup> November, 2013 lodged by the respondents at 8.30 p.m. is quashed.

4. The appeal is allowed accordingly.

.....J.  
[ROHINTON FALI NARIMAN]

.....J.  
[SANJAY KISHAN KAUL]

NEW DELHI,  
AUGUST 28, 2017.

ITEM NO.44

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 7163/2014

(Arising out of impugned final judgment and order dated 22-07-2014 in CRLA No. 96/2014 passed by the High Court of Judicature at Bombay at Nagpur)

DR.HITESH S/O SURESH GAWANDE &amp; ORS.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA &amp; ANR.

Respondent(s)

Date : 28-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr.Amol Nirmalkumar Suryawanshi, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(USHA RANI BHARDWAJ)  
AR CUM PS(SAROJ KUMARI GAUR)  
BRANCH OFFICER

Signed order is placed on the file.