



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 129 OF 2026

RAMESHWAR VITHAL CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. Sharad S. Solanke
APP for Respondent No.1 : Mr. B. B. Bhise
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 04-02-2026

PER COURT:-

1. Heard.
2. Learned counsel for the applicants invited the attention of this Court towards the judgment rendered by the learned Judicial Magistrate First Class, Georai, in Regular Criminal Case No. 77 of 2020, dated 23.08.2022. It is submitted that the allegations levelled against the present applicants in the present FIR are a mere reiteration of the allegations contained in the previous FIR No. 16/2020, which was lodged by the complainant herein.
3. It is further contended that the present FIR is a subsequent FIR regarding the self same allegation, and the same accused persons who have already been acquitted by the competent court vide the aforementioned order. Hence, the present proceedings are initiated with *mala fide* intent, leading to abuse of process of law.

4. Having heard the respective counsel and perusal of record, it *prima facie* appears that the substratum of the allegations in the present FIR is identical to the one in which the applicants have already faced trial and are eventually acquitted. The record indicates that the complainant has sought to revive the same grievances under the garb of a fresh FIR without disclosing earlier order of competent Court, despite the conclusion of the earlier judicial proceedings arising out of the same transaction.

5. In view of the above facts, this Court is of the opinion that the continuation of the present proceedings would *prima facie* amount to an abuse of the process of law. If the proceedings are permitted to continue, it would subject the applicants to unnecessary harassment for an occurrence that has already been adjudicated upon.

6. Hence, issue notice for final hearing at the stage of admission to the respondents, returnable on 04.03.2026.

7. The learned A.P.P. waives service of notice on behalf of Respondent No. 1/State.

8. Until further order, no coercive action shall be taken against the applicants.

[SACHIN S. DESHMUKH]
JUDGE