



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 96 OF 2024**

1. Madhav Ragunath Jantine
2. Parvati W/o Madhav Jantine
3. Gavalanbai D/o Tulsiram Jantine
4. Shivaraj S/o Tulsiram Jantine..... Petitioners

Versus

1. The State of Maharashtra
2. Vitthal S/o Ragunath Jantine
3. Ghungarabai W/o Vitthal Jantine
4. Balaji Tulsiram Jantine..... Respondents

Mr. P. V. Bodhke-Patil, Advocate for Petitioner

Mr. A. R. Kale, APP for Respondent/State

Mr. K. P. Rodge, Advocate for Respondent No. 2 to 4

CORAM : R. M. JOSHI, J.

DATED : 27th AUGUST, 2026

PER COURT :-

1. This petition filed under Article 226 of the Constitution by the present petitioners seeks quashment of Crime in FIR No. 0145 of 2022 registered with Jalkot Police Station, Latur for the offences punishable Under Section 307, 326, 324, 452, 504 and 506 read with 34 of IPC, so also seeks quashment of RCC NO. 156 of 2023 pending before JMFC, Udgir.

2. It is the case of the prosecution that complainant/Respondent No.2- Vitthal Raghunath Jantine and Petitioner No.1 are real brothers residing in adjacent premises at Mouje Ghonsi, Jalkot, District Latur. Petitioner Nos. 2, 3

and 4 are the wife, daughter-in-law, and grandson of Petitioner No. 1, respectively. On 28/05/2022 at around 2:00 PM, while Petitioner No. 1 was undertaking construction/repair work on his terrace to prevent water percolation, an argument ignited when the complainant requested Petitioner No. 1 to restrict the work strictly to his own share and avoid encroaching upon the complainant's property. This objection prompted Petitioner No. 1 to hurl verbal abuses against the complainant/Respondent No.2 and his family members, namely, Respondent Nos. 3 and 4.

3. It is alleged that immediately following the altercation, Petitioner No. 1 and 4, shared the common intention to assault and fatally injure the complainant, unlawfully trespassed into his residential house. Petitioner No. 1 struck the Respondent No.2 on the head with a stone, inflicting severe injuries. Concurrently, Petitioner Nos. 2 and 3 dragged the complainant's wife-Respondent No.3, Ghungarbai, by her hair and subjected her to physical assault using kicks and punches, causing blunt injuries to her right thigh. When the complainant's son-Respondent No.3, Balaji, attempted to intervene, Petitioner Nos. 3 and 4 assaulted and kicked him. The incident was brought to a halt only after local villagers, including Ramkishan Waghmare, along with working masons, intervened to rescue the victims, whereupon the Petitioners fled the scene while issuing life threats.

4. It's the further case that subsequent to the incident, the Respondent No.2 approached Police Station, Jalkot, however, the police registered merely a Non-Cognizable Report. Representations submitted to the Superintendent of Police, Latur, on 03/06/2022 bore no result, and a counter-case came to be registered by present Petitioner (Crime Reg. No. 90/2022 under Sections 324, 354, 323, 34 of I.P.C.) against the complainant's family. Aggrieved by police inaction and the non-furnishing of medical reports despite an RTI application, the complainant instituted a private complaint (Cri. Application No. 302/2022) before the Hon'ble Judicial Magistrate First Class, Udgir, seeking investigation under Section 156(3) of the Code of Criminal Procedure by which directions were issued for further investigation and the present crime was lodged and chargesheet came to be filed.

5. The learned counsel for the Petitioner submits that this is a case of deliberate implication in order to settle personal vendetta by Respondent No.2 who is the real brother of Petitioner No.1. By drawing the attention of the court to record, it is further argued that by far stretch of imagination, it cannot be said that offenses as alleged are made out on bare perusal of FIR as well as Chargesheet, so also the medical evidence indicates that all the injuries are simple in nature. There is no evidence indicating intention to kill informant or in order to attract Section 307 of IPC. The learned counsel

further contends that an FIR was filed in respect of alleged incident by the present Petitioner on 28/05/2022 which is prior in point of time disclosing the actual occurrence of the incident which shows that in reality it was the Respondent who ignited the scuffle which led to a heinous fight between them, so also a non cognizable Report was filed in as an attempt to counterblast apart from the present proceedings.

6. The learned APP and Learned Counsel for Respondents oppose grant of any relief to present Petitioner. It is contended that there are specific allegations against the present Petitioner starting a scuffle, hurling verbal abuses and grievously assaulting the Respondents with intention to kill him. To substantiate the above, the attention of the court is drawn to medical evidence on record to substantiate the injuries suffered by Respondent which satisfies the elements of section 307 and 326 of IPC. It is further contended that a subsequent NCR was registered by the Respondents which depicts the actual occurrence so also the present crime lodged shows the incident being ignited by the present Petitioner.

7. It is undisputed from the record that on 28/05/2022 an argument took place where abuses were hurled by the present Petitioners to the respondents which further aggravated when the present Petitioners entered the house of the Respondents and caused assault upon the Respondents. It's further

evident that an Non Cognizable Report was registered by the present Respondent. Thereafter, an application was made by the present Respondents to learned Magistrate whereby directions were issued under section 156(3) of CrPC for registration of FIR.

8. In so far as specific allegations attributable to the present Petitioners of they causing assault on the respondents are concerned, the perusal of the record shows that Petitioner No.1 assaulted the Respondent No.2 by hitting him with a stone on his head. Petitioner Nos. 2 and 3 dragged the Respondent No.3 down by pulling her hair, so also caused assault by kicks and punches which resulted in blunt injury on her right thigh. Petitioner No.4 verbally abused and kicked the Respondent No.4 on his private parts, so also Petitioner No.3 assaulted him with kick and punch blows. On further perusal, it can be seen from the medical reports that all injuries inflicted on Respondent No.2 are simple injuries caused with hard and blunt object/weapon. Injuries inflicted on Respondent No.3 are are simple injuries and injuries inflicted on Respondent No.4 are simple injuries caused on his groin area. Thus, it can be seen from from the above that as far as the argument that the injuries caused are simple in nature and would not attract provision of Section 307 of IPC.

9. Thus, even if evidence of prosecution is accepted as it is to be true, in so far as offence under section 307 of IPC is concerned, it cannot be said that

offence under section 307 of IPC is made out against the Petitioners, since the intention/attempt to kill is missing. However, with regard to the offences under Section 324 or 326 of IPC, whether applicable or not, would be the matter to be decided at the trial. By far stretch of imagination, it cannot be said that injuries sustained were dangerous to life, so also the offence under section 307 cannot be said to be made out.

10. In view of the above discussion and perusal of evidence collected during the course of investigation including the medical reports, *prima facie*, do not support framing of charge-sheet against the Petitioners for the offence punishable under Section 307 of the I.P.C. As such, the chargesheet filed under section 307 of IPC cannot be sustained and deserves to be set aside.

11. Hence, the application stands partly allowed. The proceeding is quashed to the extent of offence punishable under Section 307 of the I.P.C. It is open for trial Court to try the Petitioners for other offences.

12. It is clarified that above observations are *prima facie* in nature and shall not prejudice the parties during the course of trial.

(R. M. JOSHI, J.)