

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

CRIMINAL WRIT PETITION NO. 1531 OF 2015

SADASHIV S/O BABU RAIKAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioners : H.D.Deshmukh h/f Mr.Gaware Niteen V.
APP for Respondents: Mrs.A.V.Gondhalekar

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**CORAM : A.V.NIRGUDE &
INDIRA K. JAIN, JJ**
DATED : 8TH JANUARY,2016

PER COURT :-

Heard learned counsel for petitioners and learned APP.

2] This petition is an absolute abuse of process of law. The petitioner was a defendant in Civil Suit which was filed by respondent no.4. She sought perpetual injunction against the petitioner and she succeeded in getting one. All challenges of the petitioner came to an end. Since respondent plaintiff is still afraid of going to the field and cultivating the same despite being armed with an order of perpetual injunction, she went to Superintendent of Police, Ahmednagar and sought police help so that she would not get disturbed by miscreants. Such police protection was granted to her. The petitioner felt aggrieved because of such order came to Court challenging the same.

3] We see no reason why we should interfere in the impugned

order. It has nothing to do with the petitioner. He would not get prejudiced because of such order. He has lost in all Courts and therefore, he will have to be reconciled with the fact that respondent no.4 plaintiff would continue cultivation of the land. In order to obstruct her cultivation of the suit land the present petition is moved and in a move it amount to obstruct in cultivation and violation of order of perpetual injunction passed against him. In that sense we express our view that this petition is abuse of process of law. Petition is dismissed.

[INDIRA K. JAIN,J]

(A.V.NIRGUDE,J.)

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