

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 581 OF 2018

1. Faisal Rajjak Qureshi,
Age 30 years, Occu: Agriculture,
2. Pramod S/ Rangnath Tarde,
Age 40 years, Occu: Agriculture,
3. Rashid Raheed Momin,
Age 42 years, Occu: Agriculture,
4. Taufiq Rajjak Qureshi,
Age 32 years, Occu: Agriculture,
5. Ajaj Yusuf Momin,
Age 37 years, Occu: Agriculture,
6. Sayyed Jameer Sayyed Nazir,
Age 42 years, Occu: Business,
7. Rafiq Rajjak Qureshi,
Age 30 years, Occu: Business,
8. Muddasar Ilias Tamboli,
Age 28 years, Occu: Business,
9. Juned Ilias Tamboli,
Age 38 years, Occu: Agriculture,
10. Shafiq Rajjak Qureshi,
Age 28 years, Occu: Business,
11. Ferojabee Faisal Qureshi,
Age 30 years, Occu: Household,

All R/o. Jamkhed, Taluka Ambad,
District : Jalna.

... **APPLICANTS**
(Ori. Accused)

VERSUS

1. The State of Maharashtra.
- 2 Halimabee Ibrahim Qureshi,
Age 50 years, Occu: Household,
R/o Jamkhed, Taluka Ambad,
District – Jalna.

... RESPONDENTS
(Resp.No.2 is ori. Complainant)

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Mr. R. M. Deshmukh, Advocate for Applicants.
Mrs. V. S. Choudhari, APP for Repspondent No.1 / State.
Mr. Mohammad Imran Ahmed, Advocate for Respondent No.2.

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**CORAM : T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 24th September, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.347 of 2017, registered with Ambad Police Station, District Jalna, for the offences punishable under Sections 143, 323, 504 and 506 of the Indian Penal

Code.

3 The crime is registered on the basis of report given by Smt. Halimabee Qureshi, who is Sarpanch of village Jamkhed, Tahsil Ambad, District Jalna. Applicant No.11, Ferojabee, is the Deputy Sarpanch of this village. There are in all 17 members in village Panchayat.

4 Allegations are made in the FIR that monthly meeting of village Panchayat was called on 26th December, 2017 at 11:00 am. It is contended that when at 11:00 am 8 members of village Panchayat were present, Applicant No.11 and others came to the office of village Panchayat. Applicant No.1 is the husband of Applicant No.11. Allegations are made that all the Applicants, Accused said that they wanted to felicitate Applicant No.11 as she had become Deputy Sarpanch and they requested to start the meeting after felicitation function. It is contended by the Sarpanch that he said that the meeting can be held first then the felicitation function can be arranged. It is contended that the quarrel then started and the she was pushed and pulled by the Applicants and due to that her bangles got broken. FIR was given on the same day and crime was registered

at 19:29 hours.

5 The submissions made and record show that it was unwarranted on the part of Sarpanch to take steps like giving of FIR. Request was not that big one and even in village Panchayat office, small function could have been completed. It appears that 8 persons are on one side and Sarpanch and 9 persons are against the Sarpanch in village Panchayat. There is clear possibility that there is political rivalry and due to that dispute was raised by village Sarpanch. It is unfortunate that even when both the Sarpanch and Deputy Sarpanch are ladies, they preferred to approach police out of such petty incident. This Court holds that there is clear possibility of false implication and exaggeration of things. The Applicants, who are members of village Panchayat had right to go to the Panchayat office. There was only question of Applicant No.1, husband of Applicant No.11. Due to all these circumstances, this Court holds that relief needs to be granted to the Applicants. In the result, the following order is passed:

ORDER

- I. The application is allowed.

- II. Relief is granted in terms of prayer clause (C).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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