

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1903 OF 2018

1. Kashinath S/o Lobha Pawar,
Age : 39 Years, Occu. Agriculture,

2. Kanta @ Kantabai w/o Kashinath Pawar,
Age : 35 Years, Occu. Service,

Both R/o. Khopt Tanda, Jategaon,
Tq. Georai, Dist. Beed.

..APPLICANTS

Versus

1] The State of Maharashtra
2] Mandabai W/o Shrirang Mhaske,
Age : 70 Years, Occu. Household,
R/o. Jategaon, Tq. Georai,
Dist. Beed.

..RESPONDENTS

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Advocate for Applicant : Mr. B. L. Dhas
APP for Respondent no.1: Mr. S. J. Salgare
Advocate for respondent nos. 2 : Mr. S. B. Choudhari

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CORAM :T.V. NALAWADE AND
SMT.VIBHA KANKANWADI,JJ.
DATE :27th SEPTEMBER, 2018.

ORAL 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. 36/2018 registered with Talwada Police Station District Beed for the offences punishable under Sections 326, read with Section 34 of the I.P.C and under Section 3(2)

(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime is registered on the basis of report given by respondent no.2 (Mandabai). It is in respect of the incident dated 15.03.2018. She reported police that at about 9.00 p.m when she was sleeping in the field and her husband was also sleeping there at that time she noticed that applicant no.1 Kashinath came there with one more person and then they started assaulting Shrirang by using sticks. She reported that she would identified Kashinath and she questioned Kashinath as to why he was assaulting to Shrirang. She informed that the other person had also assaulted Shrirang by using stick and then both of them ran away. It was not reported that the person who was with Kashinath was a lady.

3] The papers of the investigation show that on 21.04.2018 the statement of Shriran was recorded in which he took the name of applicant no.2 Kanta as other assailant. This Court has seen the injury certificate and it shows that there were two visible injuries and there was Cerebral Edema when C.T. scan of the brain was done. This injury is described as grievous. The visible injury like abrasions can caused by hard and blunt object. It appears that there is some dispute between the parties and though subsequently report was given by the applicant no.2, she made allegations against Shrirang and his son that they misbehaved with her and then the crime for the offences punishable

under section 354A, 323, 504, 506 read with 34 of the Indian Penal Code came to be registered against them. That was the incident of 11.03.2018. In view of all these circumstances this Court holds that, there is clear possibility of applicant no.2 Kanta is falsely implicated in this case. It will be abuse of process of law if she is asked to face the trial. In the result application of the applicant no.2 Kanta @ Kantabai w/o Kashinath Pawar is allowed. Relief is granted to her in terms of prayer clause 'A'.

4] The application of the applicant no.1 Kashinath Pawar is disposed of as withdrawn.

5] Rule made absolute in the aforesaid terms.

[SMT.VIBHA KANKANWADI]
JUDGE

[T.V. NALAWADE]
JUDGE

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