

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

CRIMINAL APPLICATION NO. 2386 OF 2018

1. Madan Antram Nagergoje,
Age: 42 years, Occu. : Agri,
R/o: Ambeltek, Tq. Ambajogai,
District : Beed.
2. Sunil Madan Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
3. Shyam Kondiba Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
4. Kondibai Kisan Nagergoje,
Age: 52 years, Occu. : Housewife,
R/o: As above.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Parali (Rural) Police Station,
Tq. Parali, District: Beed.
2. Vanketrao Harishchandra Munde,
Age : 52 years, Occ: Agri,
R/o: Ambeltek, Tq. Ambajogai,
District: Beed.

... RESPONDENTS

...
Mr. P. D. Bachate, Advocate for Applicants.
Mr. A. A. Jagatkar, APP for Respondent No.1 / State.
Mr. S. G. Jadhavar, Advocate for Respondent No.2.
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WITH**CRIMINAL APPLICATION NO. 2387 OF 2018**

1. Balaji Keshav Gitte,
Age: 32 years, Occu. : Agri,
R/o: Ambeltek, Tq. Ambajogai,
District : Beed.
2. Baliram Jaganath Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
3. Vishnu Sudhu Munde,
Age: Major, Occu. : Agri,
R/o: As above.
4. Ravi Vishnu Munde,
Age: Major, Occu. : Housewife,
R/o: As above.
5. Balu Vishnu Munde,
Age: Major, Occu. : Housewife,
R/o: As above.
6. Ajay Bapurao Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
7. Lalita Vishnu Munde,
Age: Major, Occu. : Housewife,
R/o: As above.
8. Kanchan Jaganath Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.
9. Jaishree Balaji Munde,
Age: Major, Occu. : Agri,
R/o: As above.

10. Surekha Balaji Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.
11. Rajabhau Balaji Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
12. Babita Balaji Gitte,
Age: Major, Occu. : Housewife,
R/o: As above.
13. Balaji Somnath Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
14. Bapurao Maruti Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.
15. Ajay @ Sambhaji Bhagirath Gitte,
Age: Major, Occu. : Education,
R/o: Chandapur, Tq.: Ambajogai,
District: Beed
16. Sudhakar Re3shmaji Gitte,
Age: Major, Occu. : Agri,
R/o: As above.
17. Vasant Shankar Gitte,
Age: Major, Occu. : Agri,
R/o: As above.
18. Satish Vinayak Gitte,
Age: Major, Occu. : Agri,
R/o: As above.
19. Dharmaraj Vinayak Gitte,
Age: Major, Occu. : Agri,
R/o: As above.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Parali (Rural) Police Station,
Tq. Parali, District: Beed.
2. Sahaji Madhav Munde,
Age : 67 years, Occ: Agri,
R/o: Ambeltek, Tq. Ambajogai,
District: Beed.

... **RESPONDENTS**

...
Mr. P. D. Bachate, Advocate for Applicants.
Mr. M. M. Nerlikar, APP for Respondent No.1 / State.
Mr. S. G. Jadhavar, Advocate for Respondent No.2.

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WITH

CRIMINAL APPLICATION NO. 2389 OF 2018

1. Udhav s/o Sahaji Munde,
Age: 50 years, Occu. : Agri,
R/o: Ambeltek, Tq. Ambajogai,
District : Beed.
2. Vaijanath s/o Sahaji Munde,
Age: Major, Occu. : Agri,
R/o: As above.
3. Chandrakant @ Bibishan s/o Vishnu Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
4. Sanjivani w/o Vaijanath Munde,
Age: Major, Occu. : Housewife,
R/o: As above.
5. Ashabai w/o Udhav Munde,
Age: Major, Occu. : Housewife,
R/o: As above.

6. Sahaji Madhav Munde,
Age: Major, Occu. : Agri,
R/o: As above.
7. Sathyabhama w/o Sahaji Munde,
Age: Major, Occu. : Housewife,
R/o: As above.
8. Madhubala w/o Balaji Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.
9. Nivruti s/o Vaijanath Munde,
Age: Major, Occu. : Agri,
R/o: As above.
10. Rushikesh Vaijanath Munde,
Age: Major, Occu. : Education,
R/o: As above.
11. Shamal Chandrakant Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.
12. Balaji s/o. Manaji Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
13. Tukaram Keshav Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
14. Niwas s/o Vishnu Nagergoje,

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Parali (Rural) Police Station,
Tq. Parali, District: Beed.

2. Balaji Keshav Gitte,
Age : 29 years, Occ: Agri,
R/o: Ambeltek, Tq. Ambajogai,
District: Beed.

... **RESPONDENTS**

...
Mr. S. G. Jadhavar, Advocate for Applicants.
Mr. S. J. Salgare, APP for Respondent No.1 / State.
Mr. P. D. Bachate,, Advocate for Respondent No.2.

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AND

CRIMINAL APPLICATION NO. 2404 OF 2018

1. Vaijanath s/o Sahaji Munde,
Age: 50 years, Occu. : Agri,
R/o: Ambeltek, Tq. Ambajogai,
District : Beed.
2. Hanumant Sayas Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
3. Bagwant Sayas Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
4. Saudagar Manohar Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
5. Laximan Manohar Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
6. Rushikesh Vaijanath Munde,
Age: Major, Occu. : Education,
R/o: As above.

7. Santosh Vankati Munde,
Age: Major, Occu. : Agri,
R/o: As above.
8. Balaji Manohar Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
9. Govind Aana Nagergoje,
Age: Major, Occu. : Agri,
R/o: As above.
10. Sanjivani Vaijanath Munde,
Age: Major, Occu. : Household,
R/o: As above.
11. Shivmala Govind Nagergoje,
Age: Major, Occu. : Housewife,
R/o: As above.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Parali (Rural) Police Station,
Tq. Parali, District: Beed.
2. Kondiba Kisan Nagergoje,
Age : 53 years, Occ: Agri,
R/o: Ambeltek, Tq. Ambajogai,
District: Beed.

... **RESPONDENTS**

...

Mr. S. G. Jadhavar, Advocate for Applicants.
Mr. M. M. Nerlikar, APP for Respondent No.1 / State.
Mr. P. D. Bachate,, Advocate for Respondent No.2.

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

DATE : 12th September, 2018.

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

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

2 All the proceedings are filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR. The first proceeding is filed for relief of quashing of FIR No.231 of 2016, registered with Parali (Rural) Police Station, District Beed, for the offences punishable under Sections 324, 323, 504, 506 read with 34 of the Indian Penal Code. The second proceeding is filed for relief of quashing of FIR No.25 of 2016, registered in the same police station, for the offences punishable under Sections 147, 148, 149, 324, 326 and 504 of the Indian Penal Code and Section 135 of the Bombay Police Act. The third proceeding is filed for relief of quashing of FIR No.26 of 2016, registered in the same police station, for the offences punishable under Sections 147, 148, 149, 323, 324 and 504 of the Indian Penal Code and Section 135 of the Bombay Police Act and the

last proceeding is filed for relief of quashing of FIR No.229 of 2016, registered in the same police station, for the offences punishable under Sections 324, 336, 143, 147 and 149 of the Indian Penal Code and Section 135 of the Bombay Police Act.

3 During arguments, the learned counsels for Applicants and first informants submitted that the parties are from same village and they have settled the dispute. The learned APP strongly opposed the applications by contending that in Criminal Application No.2387 of 2018 grievous injuries were sustained by one person and as many as four persons were injured in the incident.

4 The submissions made do not show that the Applicants in all the applications have bad antecedents. This Court has carefully gone through the contents of the FIR and the reason behind starting of the dispute. In view of the reason behind starting of the dispute and as the parties are from same village and they want to live peaceful life in future by settling the dispute, this Court holds that relief needs to be granted to the Applicants in all the applications. In the result, the following order is passed:

ORDER

- I. All the applications are allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Not only the time of police is wasted but Court machinery is used due to the dispute, which was started by the parties. In view of the nature of dispute, this Court holds that the Applicants from Criminal Application Nos.2386 and 2387 of 2018 need to deposit total amount of Rs.50,000/- as costs of the proceedings. The Applicants of these two applications are liable to share the amount equally. The amount is to be deposited within 10 days in this Court and that is to be credited in the account of the High Court Legal Services Authority.
- IV. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]**[T. V. NALAWADE, J.]**

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