

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4820 OF 2015

1. Sandeep S/o Subhash Kale, Aged **APPLICANTS**
29 Years, Occupation Service
2. Pradeep S/o Subhash Kale, Aged
26 Years, Occupation Service

Both resident of Sarafgavhan,
Tq. Ghansawangi, District Jalna

V E R S U S

1. The State of Maharashtra **RESPONDENTS**
2. Savitrabai W/o Ramesh Sonawane,
Aged 28 Years, Occupation Household,
R/o. Wadiramasgaon, Tq. Ghansawangi,
District Jalna

Mr. R.M. Deshmukh, Advocate for the applicants
Mr. P.V. Diggikar, A.P.P. for respondent
No.1/State
Mr. A.S. Mantri, Advocate for respondent No.2

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

DATE : 31st AUGUST, 2018

ORAL JUDGMENT [PER : T.V. NALAWADE, J.] :

The proceeding is filed under Section 482 of
the Code of Criminal Procedure for relief of quashing

of First Information Report bearing No.3020 of 2015, registered with Ghansavangi Police Station for the offences punishable under Sections 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 3 [1][xi] of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989. Both the sides are heard.

2. The crime is registered on the basis of report given by respondent No.2. She has made allegations that two incidents took place in which present applicants were involved. It is her case that on 15.08.2015, at about 04.30 p.m., when she and her sister Dwarkabai were proceeding by *baandh* of agricultural land of applicants to answer nature's call, the applicants questioned them and picked up quarrel and assaulted them. It is contended that in respect of the said incident, report was given to the Police Station. It is the contention in the complaint that on 16.08.2015, at about 10.00 a.m., the applicants came to her house and questioned as to why the report was given by them to Police Station and abused them by taking the name of her Caste which is Scheduled Caste.

3. The learned counsel for the applicants submitted that some incident did take place but that was on 15.08.2015, in which beating was given to the

applicants by the first informant and her family members. It was submitted that in respect of the said incident, the applicants had approached the Police Station to give report and they were first referred to P.H.C. Rani-Unchegaon, Taluka Ghansawangi and then to Civil Hospital Jalna. The record is produced to show that the applicant No.1-Sandeep was indoor patient in Civil Hospital Jalna as he had sustained injuries. Applicant No.2-Pradeep was indoor patient in Civil Hospital. The reference letter of P.H.C. shows that at 08.00 a.m. on 16.08.2015, the reference letter was given. The case papers in respect of both the applicants are produced on record and the case papers of Civil Hospital are consistent with aforesaid contentions of the applicants. The crime was registered on 24.08.2015 on the basis of report given by applicant No.2-Pradeep. The aforesaid medical record is sufficient to show that on 15.08.2015 itself they approached the Police and the applicants were first referred to P.H.C. and then to Civil Hospital, Jalna. When such record is in support of the applicants, the case of respondent No.2-Savitrabai will be based only on the statement of her neighbours. Considering the time given by the first informant of the incident, it can be said that there is clear possibility of false implication of the applicants. The first informant and her sister had started the dispute by going to the field of the applicant to

answer nature's call. In view of this circumstance, this Court holds that it will be abuse of process of law if applicants are directed to face the trial of the case which may be filed against them.

4. In the result, application is allowed in terms of prayer clause "C". Rule made absolute in those terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]