

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

CRIMINAL APPLICATION NO. 6459 OF 2017

Dhananjay s/o Raghunathrao Bedre,
Age: 36 years, Occu: Agril.,
R/o. Bedre Galli, Georai,
Tq. Georai, Dist. Beed.

... **APPLICANT**

VERSUS

1. The State of Maharashtra,
Through Police Station,
Georai, District Beed.
2. Dnyanesh Ramnath Gangadhar,
Age: 41 years, Occu: Agril.,
R/o. Sutar Galli, Georai,
Tq. Georai, Dist. Beed.

... **RESPONDENT**
(Resp. No.2 Orig. Complainant)

...
Mr. Y. S. Choudhari, Advocate for Applicant.
Mrs. D. S. Jape, APP for Respondent No.1 / State.
Mr. M. S. Shaikh, Advocate for Respondent No.2 (Appointed).
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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 29th August, 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.37 of 2000, registered with Georai Police Station, District Beed, for the offences punishable under Sections 324, 323, 504 read with 34 of the Indian Penal Code.

3 Both the sides are heard.

4 The crime is registered on the basis of report given by Respondent No.2. As the Respondent No.2 did not turn up even after service of notice, one counsel was appointed as *amicus curiae* to represent Respondent no.2 and he was also heard.

5 In the report given on 9th April, 2000, Respondent No.2 has made allegations that in the incident dated 9th April, 2000 at about 10:00 pm when he had gone to main Accused, Sadashiv Padule to make demand of money, which was due from him, his son, Billya and other Accused, Prakash Matre assaulted him by using weapon like knife and caused injuries on his head. Allegations are made that

when the incident was going on, present Applicant came there and he also assaulted the first informant by fist and kick blows.

6 The submissions made show that the allegations as against the present Applicant are vague in nature and he did not cause any visible injury to the first informant. There was no motive for the offence to the present Applicant and even in FIR nothing is mentioned as to why he had come there. It can be said that to pressurise other persons, present Applicant is also mentioned in the FIR by the first informant. In view of the nature of allegations, this Court holds that relief needs to be granted to the present Applicant. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted of quashing of FIR and also quashing of charge-sheet filed as against the present Applicant.
- III. The fees of the counsel appointed by this Court is

quantified as Rs.3,000/-, which is to be paid
though the High Court Legal Services Authority.

IV. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

ndm