

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 7047 OF 2017

[1] Govind S/o Laxman Raut, Age 35 **APPLICANTS**
Years, Occ. Service, Resident of
Kanadi [Mali] Taluka Kaij, Dist.
Beed

[2] Laxman S/o Ganpati Raut, Age 65
Years, Occ. Agriculture, resident
of as above

V E R S U S

[1] The State of Maharashtra, Through **RESPONDENTS**
P.I., Police Station, Kaij, Taluka
Kaij, District Beed

[2] Yogesh S/o Nandkumar Raut, Age
25 Years, Occ. Agriculture, R/o.
Kanadi [Mali], Taluka Kaij, Dist.
Beed

Mr. P.G. Tambade, Advocate, holding for
Mr. S.R. Kedar, Advocate for the applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1
Mr. N.R. Thorat, Advocate for respondent No.2

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

DATE : 3rd SEPTEMBER, 2018

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

Rule. Rule made returnable forthwith. By consent of both the sides, this application is taken up for final hearing. Heard both the sides.

2. The present proceeding is filed under Section 482 of Cr.P.C. for relief of quashing of CR No.189/2017, registered with Kaij Police Station, District Beed for the offences punishable under Sections 324, 504, 506, 147, 148, 149 of Indian Penal Code. The relief of quashing of the proceeding bearing R.C.C. No.131/2017, pending in the Court of Judicial Magistrate [First Class], Kaij, which is filed in aforesaid crime is also claimed.

3. The Crime was registered on the basis of report given by respondent No.2-Yogesh. The report was given in respect of incident dated 28.04.2017. In the report, Yogesh hasmade allegations that in the night time, brother-in-law of Yogesh namely Vijay Wagh came to his house and picked up quarrel. The allegations are made that Vijay Wagh had become angry as the first

informant was not ready to accept the sister of Yogesh in the matrimonial house and she was deserted by him. The allegations are made that in the quarrel, Vijay Wagh gave blow of an axe to him and others assaulted him by using sticks.

4. This Court has carefully gone through the Injury Certificate in respect of Yogesh Raut. He was examined on 28.04.2017 at 11.15 p.m. He had CLW on frontal at left side scalp. He had one abrasion over left forearm. Both the injuries were sustained within 24 hours and were caused by hard and blunt object.

5. The papers of investigation were made available. They show that the allegations against the present applicants, whose relation is not shown with Yogesh are very vague in nature. The contention that in all five persons assaulted the first informant does appear to be casual as only two injuries of aforesaid nature were sustained by Yogesh. There is clear possibility of false implication of applicants to pressurize the rival side. The statements of other witnesses like Bandu Raut show that no active part like assault was there from the present applicants and they gave statement that the other persons were gave only abuses. In view of all these circumstances, this Court hold that the relief claimed by the applicants needs to be granted, otherwise it

will abuse of process of law. Hence, the following order :-

O R D E R

[1] Application is allowed in terms of prayer clause "B".

[2] Rule made absolute in above terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]