

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1353 OF 2019

- 1) Virendra S/o Chandrakant Sanap,
Age-25 years, Occu:Education,
 - 2) Chandrakant S/o Bhonjiba Sanap,
Age-60 years, Occu:Agriculture,
 - 3) Ranjana W/o Chandrakant Sanap,
Age-50 years, Occu:Household,
 - 4) Goverdhan S/o Bhonjiba Sanap,
Age-42 years, Occu:Agriculture,
 - 5) Shrikant S/o Bhonjiba Sanap,
Age-54 years, Occu:Agriculture,
 - 6) Bbagwat S/o Bhonjiba Sanap,
Age-52 years, Occu:Agriculture,
- All R/o-Hiwarshinga, Tq-Shirur(K),
Dist-Beed,
- 7) Amol S/o Baburao Khade,
Age-31 years, Occu:Agril.,
R/o-Wanjarwadi, Tq. & Dist-Beed,
 - 8) Sakharam S/o Subhash Salpe,
Age-27 years, Occu:Agril.,
R/o-Hiwarshinga, Tq-Shirur(K),
Dist-Beed.

...APPLICANTS

(Orig. Accused Nos.1 to 8)

VERSUS

- 1) The State of Maharashtra,
Through Police Station Officer,
Shirur(Kasar) Police Station,
Tq-Shirur(K), Dist-Beed.
- 2) Madhukar S/o Sonaji Sanap,
Age-53 years, Occu:Service,
R/o-Indraprasth Colony,
Balepir Road, Beed,
Tq. & Dist-Beed,
(Orig. Complainant)
- 3) Sainath S/o Sonaji Sanap,
Age-48 years, Occu:Agriculture,
R/o-Hiwarsinga, Tq-Shirur Kasar,
Tq. & Dist-Beed.
(Injured Witness)

...RESPONDENTS

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Mr. R.G. Hange Advocate for Applicants.

Mr. R.D. Sanap, A.P.P. for Respondent
No.1.

Mr. M.M. Parghane Advocate for Respondent
Nos.2 and 3.

...

**CORAM: T.V. NALAWADE AND
K.K. SONAWANE, JJ.**

DATE : 6TH JUNE, 2019

JUDGMENT [PER T.V. NALAWADEL, J.] :

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

2. The present Application is filed for relief of quashing and setting aside case, Charge-sheet in Sessions Case No.50 of 2016, pending before the Court of learned Ivth Additional Sessions Judge, Beed, for the offence punishable under Section 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. This Court has carefully gone through the First Information Report. The incident took place on 11th February, 2015. There was some dispute between the complainant side and the Applicants over the land Gut No.641 to 643. Surveyor was called to take measurement on that day and so both

the sides were present on the spot of offence. The allegations are made that when the first informant tried to show the boundary marks of the field to the Surveyor, present Applicants started quarrel. The allegations are made that during the quarrel, Applicant No1 – Virendra attempted to give blow of iron rod on the head of the first informant and there was attempt on the life of the first informant. Allegations are made that Applicant No.2 – Chandrakant gave blows on the person of Sainath, brother of the first informant, by using stick, and even lady members took part in the incident and they assaulted the persons from complainant side by throwing stones at them. Injury certificates are produced and they show that simple injuries were sustained, though on head, by some witnesses. Injury certificates do not show that any dangerous weapon was used.

4. During the arguments, learned counsel for

the Applicants and first informant submitted that the parties are close relatives and they are cousins and they have settled the dispute. It is mentioned in the reply affidavit that the parties are from same village and they want to live peaceful life in future by settling the dispute.

5. In view of the nature of the allegations and nature of injuries sustained by the complainant side, this Court holds that nothing can be achieved by asking the Applicants to face the trial for the aforesaid offences. This Court, therefore, holds that relief needs to be granted to the Applicants.

6. In the result, following order is passed:

O R D E R

(I) The Application is allowed.

(II) Relief is granted in terms of
prayer clause "B)".

(III) Rule is made absolute in those
terms.

(K.K. SONAWANE, J.)

[T.V. NALAWADE, J.]

asb/JUN19