

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1123 OF 2019

1. Shri. Satish Ramrao (Raosaheb) Deore,
Age 52 years, Occu. Agril,
R/o. Plot No. 125, Adarsh Colony,
Pramod Nagar, Deopur, Dhule,
Taluka and District Dhule.
2. Shri. Dipak Sheshmal Munot (Jain),
Age 43 years, Occu. Agril,
R/o. At. Post. Mhasdi Pra. Ner., Tq. Sakri,
District Dhule.
3. Shri. Kundan Himmatrao Deore,
Age 44 years, Occu. Agril,
R/o. At post Mhasadi Pra. Ner. Tq. Sakri,
District Dhule.
4. Shri. Suresh Natthu Deore,
Age 57 years, Occu. Agril.,
R/o. At Post. Mhasdi Pra. Ner., Tq. Sakri,
District Dhule.
5. Shri. Bipin Gajmal Deore,
Age 51 years, Occu. Agril,
R/o. At post Mhasdi Pra. Ner., Tq. Sakri,
District Dhule.

... Applicants

Vs.

1. The State of Maharashtra,
Through Sakri Police Station,
Taluka and District Dhule

[Copy to be served on Public Prosecutor,
High Court of Bombay, Bench at
Aurangabad]

2. Hirabai Bawaji Malche,

Age 52 Years, Occu. Labourer,
R/o. Mhasdi Pra. Ner, Tq. Sakri,
District Dhule.

**WITH
CRIMINAL APPLICATION NO.1489 OF 2019**

1. Shri Gangaram Sukalal Deore,
Age : 75 years, Occ: Pensioner,
R/o. Mhasdi Pra. Ner,
Tal. Sakri, Dist. Dhule.
2. Shri Milind Gangaram Deore,
Age: 38 years, Occ: Trade,
R/o. Mhasdi Pra. Ner,
Tal. Sakri, Dist. Dhule.
3. Shri Kalpesh @ Sonal Sahebrao Nere,
Age: 24 years, Occ: Education,
R/o. Mhasdi Pra. Ner,
Tal. Sakri, Dist. Dhule. ... Applicants

Vs.

1. The State of Maharashtra,
(Copy to be served on
Public Prosecutor, High Court of
Judicature of Bombay bench at Aurangabad)
2. Ratnabai Uttam Malich,
Age : Major, Occ: Household,
R/o. Mhasdi Pra. Ner,
Tal. Sakri, Dist. Dhule. ... Respondents

Advocate for the Applicants in Application No. 1489 / 2019 : Shri. Shrikant S. Patil.

APP for the Respondent No. 1 : Smt V. S. Choudhari.

Advocate for the Applicants in Appln. No. 1123 / 2019 : Shri. Amol S. Sawant.

App for respondent No. 1 : Shri D. R. Kale

**CORAM :T.V. NALAWADE AND
K.K. SONAWANE ,JJ.
DATE : 14th JUNE, 2019.**

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

Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2] The proceeding of Criminal Application 1123 of 2019 is filed by the accused persons from crime No. 51 of 2019, registered at Sakri Police Station, Dhule for the offence punishable under Sections 395, 323 of IPC and Sections 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act. In this crime, allegations are made by the first informant Hirabai Malche that abuses were given to her by taking the name of her caste and some gold ornaments of one Sumanbai was snatched and the accused also took away cash of Rs. 2,000 from her. Due to that, the aforesaid offence was committed by the present applicants.

3] Reply affidavit is filed by this lady in which she has contended that due to party politics and due to the election to the village panchayats the complaints were given. There is also affidavit of Hirabai Bawaji Malche showing that she has also no grievance and she has no objection to grant relief claimed in Criminal Application No. 1123 of 2019, which is of quashing the FIR No. 51 of 2019.

3] Criminal Application No. 1489 of 2019 was filed for the relief of quashing the FIR No. 50 of 2019_, for the offence punishable under Sections 354, 323, 504, 506, 427 r/w. 34 of IPC, and Sections 3(1)(r)(s), 3(1)(w)(I) of the SC and ST (Prevention of Atrocities) Act. In this matter, one Ratnabai Uttam Mali has filed an FIR alleging that after the election of sarpanch the accused persons assaulted her fist and kicks and torn her saree and thereby outraged her modesty. The accused persons also abused her by taking the name of her caste. She has filed an affidavit and submits that the parties have settled the dispute and the incident had occurred due to party politics on account of election of village panchayat. She has given no objection for granting relief in this proceeding.

4] In view of the aforesaid circumstances, and as there are cross-complaints of the same incident, and that the parties have settled the dispute, this court holds that relief needs to be granted in both the proceedings. Hence, both the petitions are allowed in terms of prayer clause (a). Rule is made absolute in above terms. No costs.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

grt/