

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3791 OF 2018

1. Uttam s/o. Shamrao Rathod,
Age 60 years, Occu. Agri.,
2. Mirabai w/o. Uttam Rathod,
Age 54 years, Occu. Household,

(Application of applicant Nos. 1 & 2
is rejected vide order dated 5.2.2019)

3. Shantaram s/o. Uttam Rathod,
Age 40 years, Occu. Agri.,
4. Raju s/o. Uttam Rathod,
Age 35 years, Occu. Agri.,

All R/o. Ghodegaon, Tal. Chalisgaon,
Dist. Jalgaon.

...Applicants

Versus

1. The State of Maharashtra,
Through the Police Sub Inspector,
Chalisgaon Gramin Police Station,
Tq. Chalisgaon, Dist. Jalgaon.
2. Sangitabai w/o. Kisan Rathod,
Age 40 years, Occu. Household,
R/o. Ghodegaon, Tal. Chalisgaon,
Dist. Jalgaon.

...Respondents.

Mr. Ujjwal S. Patil, Advocate for applicants.

Mr. S.B. Joshi, APP for respondent No. 1/State.

Mr. P.B. Patil, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
MANGESH S. PATIL, JJ.
DATED : 29/03/2019.**

ORAL JUDGMENT :

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

2) The proceeding is filed for relief of quashing of F.I.R. No. 306/2018 registered with Chalisgaon Gramin Police Station for offences punishable under sections 325, 323, 504, 506 r/w. 34 of Indian Penal Code. The crime is registered on the basis of report given by one lady Sangitabai. When the incident took place on 27.11.2018, the F.I.R. was given on 14.12.2018. She has made allegations that on that day she was informed that quarrel was going on and in the quarrel, the applicants were giving beating to Dnyaneshwar, her son. She went there and she somehow rescued Dnyaneshwar. It is her case that when she tried to intervene, Raju Rathod gave blow of bambo stick and she sustained injury. She has made allegations against applicant Shantaram that he gave threat of life during the incident.

3) The learned counsel for applicants drew the attention of this Court to copy of F.I.R. dated 27.11.2018. This record shows that on that day at 10.00 a.m. one incident had taken place in which Dnyaneshwar, son of Sangitabai had misbehaved with a lady. The lady gave F.I.R. and on the basis of that F.I.R., crime was registered

against Dnyaneshwar for offence punishable under section 354 of I.P.C. Dnyaneshwar is shown as witness in the present matter and the time of incident is the same.

4) Specific role is attributed to Raju Rathod that he gave blow of bamboo stick. That blow has caused fracture to ulna of first informant and there is such injury certificate. The injured was examined on the same day. The learned counsel for applicant Raju Rathod submits that he wants to withdraw the proceeding of Raju. Role attributed to Shantaram was not significant and the aforesaid circumstances need to be kept in mind like misbehaviour of son of Smt. Sangitabai with a lady. In view of these circumstances, this Court holds that the relief needs to be given to applicant - Shantaram. In the result, the application of applicant - Shantaram Uttam Rathod is allowed. The relief is granted to him in terms of prayer clause 'A'. Application of applicant - Raju Uttam Rathod is disposed of as withdrawn. The observations made in this proceeding are for the purpose of present proceeding only.

Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

ssc/