

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

CRIMINAL WRIT PETITION NO.93 OF 2020

SANGITA RAJENDRA DAHIPHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Yuvraj V. Kakde.

APP for Respondent/State: Mr. B. V. Virdhe.
...

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 15th December, 2020.

ORDER: (Per T. V. Nalawade, J.)

. The petition is filed for giving direction against the Respondents to investigate the complaint dated 12th September, 2019 made by the Petitioner.

2 Both the sides are heard. The papers of investigation were made available.

3 The record produced by the Petitioner shows that on 12th September, 2019, present Petitioner had given representation to Police Inspector, Paithan Police Station against twenty persons, who were

named and against more than hundred persons, who were not known to her. It is her contention that these persons had come in front of her house on 12th September, 2019 and they picked up quarrel with her and they gave threats to finish her son. It is contended that when her husband came out to make inquiry, he was assaulted and similarly the other persons like neighbours by name Jayabai Chavhan were also assaulted by those persons. She had made allegations that those persons had taken away cash amount of Rs.10,000/- from the showcase of her house and they had taken away gold chain and mobile handset of one Keshav Sawwase.

4 The submissions made show that in respect of incident dated 12th September, 2019, one crime at C.R. No.325 of 2019 was registered in the same police station on the basis of report given by Govind Bangar. He had made allegations that at the time of procession of the statues of Lord Ganesh, there was quarrel between the boys of his club, Mandal and the boys of other club by name Rajesambhaji Ganesh Mandal. It is contended that even when the persons of his side had said sorry, after some time the persons of opposite side had come to him and had given threats to finish him. He has made allegations that his mobile handset was thrown into water and it was damaged. He has taken the names of persons like Datta Sawwase and Keshav Sawwase. These names are mentioned in the

complaint given by Sangita Dahiphale, present Petitioner as persons of her side. The name of the husband of Petitioner is also mentioned in the FIR given by Govind Bangar. Thus, apparently in respect of same incident, the crime is registered on the basis of report given by opposite side. There is a record of C.R. No.324 of 2019 showing that Jayabai Chavhan gave report in respect of same incident on 13th September, 2019 and the crime came to be registered for the offences punishable under Sections 323, 149, 504, 506 etc. of the Indian Penal Code. She has described the incident, which is described by Sangita in her complaint. She has mentioned that in the incident Sangita, her husband, Keshav Sawwase, Dattatraya Sawwase were assaulted and assault was made on her also by the persons of other side. She has mentioned that this incident had taken place due to dispute between Rajesambhaji Ganesh Mandal and Swarajya Friends Group Ganesh Mandal.

5 The aforesaid record shows that in respect of the incident both the sides gave reports against each other and the crime at C.R. No.324 of 2019 is registered on the basis of report by the side of Sangita. The papers of investigation from C.R. No.324 of 2019 are produced and they show that statement of Sangita came to be recorded on 14th September, 2019 in this crime. Thus, police have taken cognizance of the incident and cross reports are registered. In

view of these circumstances, there is no need to give direction to register one more crime on the basis of report given by Sangita. In the result, the following order is passed:

ORDER

The petition stand dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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