

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

CRIMINAL APPLICATION NO. 1219 OF 2020

1. Sandip Ramchandra Sapkal,
Age: 31 years, Occu. Service,
2. Pradeep Ramchandra Sapkal,
Age: 26 years, Occu.: Labour,
3. Abhishek Eashram Dandge,
Age: 22 years, Occu.: Labour,
4. Rushikesh Eashram Dandge,
Age: 26 years, Occu.: Labour,

All above applicant
R/o: Pukhraj Nagar, Bhokardan,
Jalna – 431114.

5. Sunil Ganesh Raut,
Age: 22 years, Occu.: Labour,
R/o: Bhokardan, Bhokardan,
Jalna – 431114.
6. Rama Ganpat Borase,
Age: 25 years, Occu.: Labour,
R/o Shivaji Putala Parisar,
Bhokardan, Jalna – 431114.
7. Laxman Ganpat Borase,
Age: 25 years, Occu.: Labour,
R/o : Shivaji Putala Parisar,
Bhokardan, Jalna – 431114.

... **APPLICANTS**
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
Through the Police Station Officer,
Bhagyanagar Police Station,
Taluka & Dist. Nanded.

2. Vijay Madhavrao Chinchpure,
Age: 26 years, Occu.
R/o. Laxminagar Bhokardan,
Tq. & Dist. Jalna.

... **RESPONDENTS**
(Res. No.2 Org. Complainant)

...
Ms Madhuri Jain, Advocate for Applicants.

Mr. P. G. Borade, APP for Respondent No.1 / State.

Mr. A. S. Usmanpurkar, Advocate for Respondent No.2.

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WITH

CRIMINAL APPLICATION NO. 1296 OF 2020

1. Vijay S/o Madhavrao Chinchpure,
Age: 27 years, Occ: Agril,
R/o. Wakdi at present Bhokardan,
Tq. Bhokardan, Dist. Jalna
2. Jagdish S/o Bhimrao Kamar,
Age: 24 years, Occu: Agril,
3. Krushna S/o Madhukar Ghodke,
Age: 24 years, Occ: Agril,
4. Shailesh s/o Hiralal Chavan,
Age: 22 years, Occu: Agril,

Both 2 & 4 R/o. Bhokardan
Tq. Bhokardan, Dist. Jalna.

... **APPLICANTS**
(Accused)

VERSUS

1. The State of Maharashtra,
Through P.I. Bhokardan Police Station,
Tq. Bhokardan, Dist. Jalna in C.R.No.318 of 2020.
2. Pradeep S/o Ramchandra Sapkal,
Age: 26 years, Occu.: Business,
R/o: Pukhraj Nagar, New Bhokardan,
Tq. Bhokardan, Dist. Jalna.

... **RESPONDENTS**
(Respondent No.2 Original Complainant)

...

Mr. A. S. Usmanpurkar, Advocate for Applicants.

Mr. P. G. Borade, APP for Respondent No.1 / State.

Ms Madhuri Jain, Advocate for Respondent No.2.

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

DATE : 08th October, 2020.

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

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

2 The first proceeding, Criminal Application No.1219 of 2020 is filed for relief of quashing of Crime No.321 of 2020, registered with Bhokardan Police Station, District Jalna, for the offences punishable under Sections 143, 147, 148, 149, 327 and 188 of the Indian Penal Code. The crime is registered also for the offence punishable under Section 51 of the Disaster Management Act, 2005. It appears that subsequently charge-sheet came to be filed in this crime and so permission was granted to amend the proceeding and add the relief of quashing of the case itself.

3 The second proceeding, Criminal Application No.1296 of 2020 is filed for the relief of quashing of FIR No.318 of 2020, registered with the same police station, for the offences punishable under Sections 143, 147, 148, 149, 324, 323, 504 and 506 of the Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4 In the first proceeding, report was given by Vijay Chinchpure, who is Applicant No.1 in the second proceeding. He has described the incident dated 30th May, 2020, which took place at about 07:30 pm in village Wakdi. It is contended that there was quarrel between he and his friends on one side and Sandip Sapkal and others, Applicants of first proceeding, on other side. Allegations are made that incident took place as Vijay and his friends had gone there to make inquiry about teasing of a girl by boy of other side. Allegations are made that assault was made on them even by using knife and cash amount was also taken away from the pocket of Vijay during the incident.

5 In the second proceeding, in the FIR given by Pradeep Sapkal, he has made allegations that the incident took place on 30th

May, 2020 at about 07:00 pm and he had gone to the spot of offence as quarrel, which was going on between his group and the group of Vijay Chinchpure, was to be settled. According to him, when he and his friend reached there, quarrel started and during quarrel, he and his friends were assaulted and abuses were given by taking the name of his caste, which is scheduled caste.

6 The informants of both the crimes have filed affidavits to the effect that they have settled the dispute and they have no intention to give evidence against other group. Though in the first matter, some provisions like Section 188 of the Indian Penal Code and Section 51 of the Disaster Management Act, are used, they are used only because these groups had gathered at the spot of offence and they had quarreled with each other. These sections could have been used against other side also. The record and the contentions do not show that any public servant was there to witness the incident. Only these boys of two groups were there.

7 To ascertain the antecedents of Applicants of both the proceedings, this Court had directed the learned APP to collect antecedents. The report submitted shows that as against Vijay Chinchpure, some crimes were registered from 2013 to 2018. Only

one crime was there for the offence punishable under Section 384 of the Indian Penal Code registered in the year 2019. In the same offence other Applicants Jagdish and Krushna were involved. One more crime for the offence punishable under Section 394 of the Indian Penal Code was registered against Jagdish in the year 2018. Though these offences were registered against the boys of group of Vijay Chinchpure, the incident in question apparently took place due to dispute between two groups and there is a probability that some girl was teased. In any case, boys of one group belong to scheduled caste and now they want to settle the dispute and they want to live peaceful life. There is possibility that by such settlement, there will be peace in the village. As they will not be giving evidence against each other due to settlement, nothing can be achieved by asking them to face the trial for aforesaid offences. For these reasons, this Court holds that relief needs to be granted in both the matters due to settlement between the parties. In the result, the following order is passed:

ORDER

- I. The first proceeding, Criminal Application No.1219 of 2020 is allowed and relief is granted in the first proceeding in terms of prayer clause (B) and relief of quashing of the case filed in Crime No.321 of 2020 is also granted.

- II. The second proceeding, Criminal Application No.1296 of 2020 is also allowed and relief is granted in the second proceeding in terms of prayer clause (B).
- III. Rule is made absolute in those terms in both the proceedings.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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