

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

940. CRIMINAL APPLICATION NO. 1517 OF 2020

Jayant S/o Achyutrao Patil,
age 50 years Occup. Agriculture
R/o Dhanora (Bk.) Taluka Ambajogai Dist. Beed.

...Applicant

Versus

1. The State of Maharashtra
Through : Police Station (Rural),
Ambajogai Taluka Ambajogai Dist. Beed
2. Chhagan S/o Kashiba Kalunke,
age 50 years occupation labour
R/o Dhanora (Bk.) Taluka Ambajogai Dist. Beed.

... Respondent

WITH

941. CRIMINAL APPLICATION NO. 1518 OF 2020

Chhagan S/o Kashiba Kalunke,
age 50 years occupation labour
R/o Dhanora (Bk.) Taluka Ambajogai Dist. Beed.

...Applicant

Versus

1. The State of Maharashtra
Through : Police Station (Rural),
Ambajogai Taluka Ambajogai Dist. Beed
2. Govind S/o Achyutrao Patil,
age 38 years Occup. Agriculture
R/o Dhanora (Bk.) Taluka Ambajogai Dist. Beed.

... Respondent

Ms. Ashlesha Kulkarni, Adv., h/f. Mr. S.J. Salunke, Advocate for applicant in Cri. Appln. No. 1517/2020

Mr. S.J. Salgare, Addl. Public Prosecutor for Respt./State in both applications.

Mr. D.M. Shinde, Advocate for respondent No. 2 in Cri. Appln. No. 1517/2020 and applicant in Cri. Appln. No. 1518/2020

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 24th September, 2020

ORAL JUDGMENT (PER : T.V. NALAWADE, J.)

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

2. Proceeding - Criminal Application No. 1517/2020 is filed for the relief of quashing of the first information report No. 308/2020 registered with Rural Police Station, Ambajogai Dist. Beed, for offences punishable under Sections 324, 323, 504 of the Indian Penal Code and U/s. 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime is registered on the basis of the report given by respondent Chhagan Kashiba Kalunke in respect of incident dated 18th August 2020.

3. Proceeding - Cri. Appln No. 1518/2020 is filed for the

relief of quashing of the F.I.R. No. 309/2020 which is registered in the same police station for offences punishable under Sections 380 & 327 of I.P.C. This crime is registered on the basis of the report given by Govind Patil and this report is given in respect of incident dated 18th August 2020.

4. It appears that Chhagan Kashiba Kalunke was working on daily wages in the field of Govind Patil and some incident took place on that day. Both the sides reported against each other. In both the matters, informant has filed compromise documents. They are represented by the Counsel and they submitted that the parties have settled the dispute and they have no desire to give evidence against each other. In view of the nature of offence registered, this Court has asked the learned Addl. Public Prosecutor to see that antecedents of the accused and informant are collected. The report came to be produced. It appears that against Chhagan Kalunke, one case was filed by police in the year 1996 but he came to be acquitted on 23rd November 2010. Copy of that judgment is produced. There are no other antecedents against applicants of both the proceedings. In view of nature of the dispute and the circumstance that Chhagan Kalunke was working on daily wages with Patil, this Court holds that the relief needs to be given in both

the proceedings. In the result, both the applications are allowed. In Cri. Application No. 1517/2020 the relief is granted in terms of Prayer Clause (C) and, in Cri. Application No. 1518/2020 the relief is granted in terms of Prayer Clause (C).

5. Rule made absolute in those terms.

Sd/-
(M.G. SEWLIKAR)
JUDGE

Sd/-
(T.V. NALAWADE)
JUDGE

Madkar