

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1826 OF 2019

1. Ramhari @ Hari S/o Maruti Lad,
Age : 22 Years, Occu. Education,
R/o. Village Pimparkhed, (Hiwara)
Tq. Ashti Dist. Beed At present
K.J. Collage of Engineering
Management and Research Yelwandi,
Kondawa (Bk) Pune
2. Krushna S/o Maruti Lad,
Age : 20 Years, Occu. Education,
R/o Village Pimparkhed, (Hiwara)
Tq. Ashti Dist. Beed, At present
Datta Kala Collage of Pharmacy,
Swami Chincholi, Tq. Daund,
Dist. Pune
3. Shital D/o Maruti Lad,
Age : 23 Years, Occu. Education,
R/o. Village Pimparkhed (Hiwara)
Tq. Ashti, Dist. Beed at present
New Law Collage, Ahmednagar
4. Sonu @ Soniya D/o Maruti Lad,
Age : 21 Years, Occ. Education,
R/o. Village Pimparkhed (Hiwara)
Tq. Ashti Dist. Beed, at present
New Law Collage Ahmednagar. ... APPLICANTS

VERSUS

1. The State of Maharashtra
2. The District Superintendent
of Police, Beed
3. The Police Inspector,
Police Station Ambhora,
Tq. Ashti Dist. Beed
4. Aajinath S/o Machindra Vanve,

Age : 37 Years, Occ. Agriculture,
R/o. Vetallwadi, Tq. Ashti
Dist. Beed

..RESPONDENTS

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Advocate for the Applicants : Mr. P.K. Palve
A.P.P for Respondent-State : Mr. K.S. Patil
Advocate for respondent No.4 : Mr. D.K. Rajput

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**CORAM : T.V. NALWADE &
M.G.SWELIKAR, JJ.**
DATE : 06-01-2020.

JUDGMENT(PER T.V. NALWADE, J] :-

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

2. The proceeding is filed for relief of quashing of FIR No.63/2019 registered with Ambhora Police Station Tq. Ashti Dist. Beed for the offences punishable under Sections 326, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code. The crime is registered on the basis of report given by respondent No.4 Aajinath Vanve. In the FIR dated 27.04.2019, which was registered at 18.30 hours. Aajinath had made allegations that in the incident dated 22.04.2019, he was assaulted by the applicants and others. Applicant Nos. 1 and 2 are real brothers of wife of Aajinath and applicant Nos. 3 and 4 are real sister of the wife of Aajinath.

3. It is contention of the Aajinath that his wife had left his company on 11.04.2019 and he was living with her parents since then. She had taken two children also with her. According to him on 22.04.2019 at about 4.00 p.m. when he was present in the market place of village Kada his father-in-law approached him and he said that he wanted to settle the dispute. According to him, his father-in-law Maruti took him to Pimpalkhed, village of Maruti. According to him, at about 6.00 p.m. when he reached Pimpalkhed, present applicants and Maruti assaulted him with Fist blows and kicks by saying that they would not allow him to take his wife to matrimonial house. According to him he was tied by using rope by Maruti and applicant Nos. 1 and 2. According to him, Maruti had then given blow of Chopper on his head and then he was assaulted by applicant Hari Lad by taking iron rod from the hand of sheetal. He has contended that threat of life was given to him. According to him, as he has sustained serious grievous injury, from that place he was shifted by Ambora Police to the Government Hospital and there treatment was given to him.

4. This Court has carefully seen the record of statements. There is statement of police constable showing that after learning about the incident of quarrel police had rushed to

Pimpalkhed and there they had noticed that informant lying in injured condition. Though no incident was witnessed by the police, there is circumstances that in the vicinity of house of the applicants the informant was lying in injured condition and information was supplied that the members of the family of the applicants has assaulted the informant.

5. The injury certificate prepared by Kamal Nayan Multi Specialty Hospital, Ahmednagar shows that as many as 3 CLWs were found on occipital region and they had described as grievous. He was examined on 22.04.2019 at about 11.30 p.m and the injuries were sustained within six hours. They were caused by using weapon.

6. It was submitted that the applicant Nos. 3 and 4 could not have played any part in such incident. They are unmarried sisters of the wife of the informant. There is force in the contention made by the learned counsel of the applicant Nos. 3 and 4 that they had no role to play in such incident. In view of the nature of allegations made against them and the aforesaid circumstances this Court holds that no relief can be granted in favour of the applicant Nos. 1 and 2 but relief can be granted in favour of applicant Nos. 3 and 4. In the result, following order :-

ORDER

1. The application of Applicant Nos. 1 and 2 stands d dismissed.
2. The application of Applicant Nos. 3 and 4 is allowed.
3. Relief is granted to Applicant Nos. 3 and 4 only in terms of prayer clause (B).
4. Rule is made absolute in those terms.

(M.G.SWELIKAR)
JUDGE

[T.V. NALAWADE]
JUDGE

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