

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

CRIMINAL WRIT PETITION NO. 1599 OF 2019

Balu s/o. Ratan Jadhav and Ors.**Petitioners.**

Versus

The State of Maharashtra and Anr.**Respondents.**

Mr. Y.D. Kale, Advocate for petitioners.

Mr. A.V. Deshmukh, APP for respondent No. 1/State.

WITH
CRIMINAL WRIT PETITION NO. 1262 OF 2019

Rohidas s/o. Ratan Jadhav and Ors.**Petitioners.**

Versus

The State of Maharashtra and Anr.**Respondents.**

Mrs. Asha S. Rasal, Advocate for petitioners.

Mr. A.V. Deshmukh, APP for respondent No. 1/State.

Mr. Y.D. Kale, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATED : 21/10/2020.

ORDER : [PER T.V. NALAWADE, J.]

1. Criminal Writ Petition No. 1262/2019 is filed for relief of quashing of F.I.R. No. 129/2019 registered with Shivur Police Station, Shivur, Tahsil Vaijapur, District Aurangabad for the offences punishable under sections 324, 323, 504, 506 and 34 of Indian Penal Code. The crime is registered on the basis of report given by respondent No. 2 Shri. Balu Ratan Jadhav. Criminal Writ Petition No. 1599/2019 is filed for relief of quashing of F.I.R. No. 128/2019

registered in the same police station on 14.6.2019 for similar offences. That crime is registered on the basis of report given by respondent No. 2 of this proceeding by name Rohidas Ratan Jadhav. Both Rohidas and Balu appeared to be relatives of each other. Both the sides are heard.

2. F.I.R. No. 128/2019 shows that it is the contention of Rohidas Ratan Jadhav that incidents in question took place on 13.6.2019 and 14.6.2019. He has made allegations that on 13.6.2019 at about 12.00 noon his father Ratan Jadhav was assaulted by accused Kakasaheb by giving blow of stick on the head of Ratan and also by assaulting with kick blows and slaps. It is contended that they had taken Ratan to police and then they had taken Ratan to hospital as per the reference made by police for examination and treatment of his father. It is contended that as priority was given to treatment of father, no report was given on 13.6.2019. It is contended that on 14.6.2019 when they were proceeding to police station the accused persons intercepted them and questioned as to why Ratan was taken to police station by them and then informant and his wife were assaulted by using stick, kick blows and slaps. It is contended that they were saved by the witnesses like Appasaheb Bargal, Balu Jadhav and others and after that the informant had taken his father and wife to police station and had given report. It is his contention that his wife sustained fracture

injury to her finger and the treatment was given to them in Ghati Hospital Aurangabad.

3. In F.I.R. No. 129/2019 Balu Ratan Jadhav has made allegations that due to some dispute, he and his family is living in the field from Savkhed and his brother Rohidas is living with his family in field. It is his contention that they have separate portion of land for cultivation.

4. It is the contention of the informant of this C.R. No. 129/2019 that on 13.6.2019 at about 12.00 noon when he, his elder son Kakasaheb and his wife were present in Gat No. 95 which is in their possession, persons like Walmik Jadhav and Ratan Jadhav came there and picked up quarrel by asking as to why he was cultivating that land. He has made allegations that Ratan assaulted him by using stone and when he avoided the assault made by Ratan, Ratan fell on the ground. It is contended that Rohidas came there and he assaulted his wife by using stick and kick. It is contended that even after this assault, he returned with his family to his house and then he went police station Shivur for reporting the incident. It is contended that police referred them to Ghati Hospital Aurangabad and there, they received treatment. It is contended that on 14.6.2019 at about 7.00 a.m. when he was near the water pump, Rohidas Jadhav, Amol Jadhav, Walmik Jadhav and Ratan Jadhav came

there and they assaulted Kakasaheb by using stick and the wife of Kakasaheb was also assaulted by fist blows and kicks and then they went away. It is contended that after this incident, he and his family went to police station and on this occasion also, they were referred for medical examination and after medical examination, they had returned to police station to give the report.

5. The contents of aforesaid two F.I.Rs. show that both the sides have mentioned two incidents in the F.I.Rs. and thus, there will be counter cases if police files cases in two crimes. Both the sides will be relying on the medical record showing that they were injured in the incident. The circumstance that Rohidas gave report at about 13.27 hours of 14.6.2019 first in time cannot change the things. It is unfortunate that the close relatives quarreled in aforesaid manner and they approached police. As they approached police and there was no other alternative before police than to register the crime and in view of the aforesaid circumstances and medical record, this Court holds that relief claimed cannot be given in both the matters. In the result, both the petitions stand dismissed.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

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