

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

CRIMINAL APPLICATION NO. 4080 OF 2019

1. Shevantabai w/o. Avinash Jadhav,
Age 66 years, Occu. Household,
2. Vinayak s/o. Pandurang Jadhav,
Age 40 years, Occu. Agri.,
3. Sakhubai w/o. Vinayak Jadhav,
Age 35 years, Occu. Household,
4. Nilabai w/o. Nagu Jadhav,
Age 30 years, Occu. Household,
5. Gopinath s/o. Harishchandra Jadhav,
Age 52 years, Occu. Agri.,
6. Gitabai w/o. Gopinath Jadhav,
Age 48 years, Occu. Household,
7. Bhagvan s/o. Harishchandra Jadhav,
Age 48 years, Occu. Agri.,
8. Papalal s/o. Bhagvan Jadhav,
Age 25 years, Occu. Agri.,
9. Bhagubai w/o. Bhagvan Jadhav,
Age 46 years, Occu. Household,
All R/o. Rajegaon Tanda, Tq. Majalgaon,
Dist. Beed.

....Applicants.

Versus

1. The State of Maharashtra
Through Police Station,
Police Inspector Majalgaon (Rural),
Tq. Majalgaon, Dist. Beed.
2. Lobhabai w/o. Pandurang Chavan,
Age 60 years, Occu. Household,
R/o. Rajegaon Tanda, Tq. Majalgaon,
Dist. Beed.

....Respondents.

Mr. M.B. Sandanshiv, Advocate for applicants.

Mr. K.S. Patil, APP for respondent No. 1/State.

Mr. S.S. Nade, Advocate for respondent No. 2.

WITH
CRIMINAL APPLICATION NO. 4089 OF 2019

1. Bhausaheb s/o. Subhash Chavan,
Age 23 years, Occu. Agri,
2. Muktabai w/o. Subhash Chavan,
Age 42 years, Occu. Agri.,
3. Rahul s/o. Subhash Chavan,
Age 20 years, Occu. Agri.,
4. Kisan s/o. Ramsing Chavan,
Age 30 years, Occu. Agri.,

R/o. Pirunaik Tanda, Rajegaon
Majalgaon Rural, Tq. Majalgaon,
Dist. Beed.

....Applicants.

Versus

1. The State of Maharashtra
Through Police Station,
Police Inspector Majalgaon (Rural),
Tq. Majalgaon, Dist. Beed.
2. Vinayak s/o. Pandu Jadhav,
Age 40 years, Occu. Agri.,
R/o. Pirunaik Tanda, Rajegaon
Majalgaon Rural, Tq. Majalgaon,
Dist. Beed.

....Respondents.

Mr. S.S. Nade, Advocate for applicants.

Mr. K.S. Patil, APP for respondent No. 1/State.

Mr. M.B. Sandanshiv, Advocate for respondent No. 2.

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

DATED : 25/02/2020.

ORAL JUDGMENT :

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

2) The first proceeding is filed for relief of quashing of F.I.R. No. 257/2019 registered with Majalgaon Rural Police Station, District Beed for the offences punishable under sections 307, 149 etc. of Indian Penal Code. As yet chargesheet is not filed in this matter. The crime is registered on the basis of report given by respondent No. 2 who is a lady.

3) In the report dated 22.10.2019, the informant has contended that the incident in question took place on 19.10.2019 after 8.00 p.m. According to her, on that day the present applicants came towards her residential place and picked up quarrel by giving abuses to them. She has contended that when she came out of the house applicant No. 1 assaulted her by using stick and others assaulted her by using fist blows and kicks. It is contended that some male persons were instigating the ladies to finish the informant. It is her contention that the applicant No. 1 Shevantabai then forcibly administered

insecticide to her. In respect of this incident, the report was recorded on 22.10.2019 in Government Hospital, Beed.

4) In the second proceeding the relief of quashing of F.I.R. No. 189/2019 registered with the same police station, but for the offences punishable under section 354-D, 323, 34 etc. of I.P.C. is claimed and the relief in respect of the crime which is registered under section 66(E) of the Information Technology Act is also claimed. It appears that chargesheet is filed in this crime and it has given R.C.C. No. 270/2019. Amendment is allowed and the applicants are allowed to mention this case number in the proceeding.

5) The crime was registered on the basis of report given by respondent No. 2 Vinayak Jadhav. In the F.I.R., he has contended that incident in question took place on 4.7.2019 after 9.00 a.m. He was surfing some apps by using mobile hand set and at that time, by chance he saw the photograph of his daughter on whatsapp account of Bhausahab Chavan. He preserved it by taking screen shot of that photo. He then enquired with her daughter as to how Bhausahab Chavan was having her photograph and she informed that one Anil Jadhav had taken this photograph without taking her consent and he

must have given that photograph to Chavan. Then the informant questioned Bhausahab as to why he had kept the photograph of his daughter as his whatsapp status. Then the quarrel started and during quarrel the mother of Bhausahab, brother of Bhausahab and his uncle Kisan rushed at him and they gave threats of life. He then approached police and gave report to police on 11.7.2019 and the crime came to be registered for aforesaid offences.

6) During arguments, the learned counsels of the applicants who are shown as accused in the aforesaid two crimes and the learned counsels of informant of aforesaid two matters submitted that the parties have settled the dispute. They belong to the same community and they are residents of the same place. Affidavits are filed of the applicants and informants in both the proceedings to the effect that they have settled the dispute and the informants from both the proceedings have no intention to give evidence against accused in the matter. In view of the nature of dispute and nature of allegations and as they are from the same community, this Court holds that relief needs to be given in both the matters. In the result, both the applications are allowed. Relief is granted in terms of prayer clause 'B' of the first proceeding and prayer

clause 'B' and 'B-1' of the second proceeding.

Rule is made absolute in aforesaid terms in both the matters.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

SSC/