

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

923 CRIMINAL APPLICATION NO.1411 OF 2021

MALLESHAM ANJAIYYA EAGE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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APP for Respondents : Mr.S J Salgare

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CORAM : V.K. JADHAV & S. G. DIGE, JJ.

Dated: July 23, 2021

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PER COURT :-

1. None present for the applicant.
2. Learned APP submits that police papers are now received. As per the spot panchnama drawn during the investigation, it appears that there was a new construction on the spot. Learned APP informs that charge-sheet has been submitted in connection with the present crime way back in the year 2019. Even then this application has been filed merely for quashing of the FIR.
3. We have recorded in our order dated 9.7.2021 that one "Old Tomb near Changiz Khan's Palace-Sarjekhan's Tomb', Ahmednagar, is the monument declared as of national importance under the Ancient Monuments and Archaeological Sites and Remains Act, 1958. There are
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allegations that the applicant has started making construction within ban premises. It has been contended that the applicant has carried out repair work after taking due permission from the Archaeological department. Learned APP pointed out from the police papers, particularly, the spot panchnama. It appears from the contents of the spot panchnama that the applicant has started making a new construction over the site and the same is contrary to the permission granted to him by the Archaeological Department. Department has granted permission to the applicant only for carrying out repairs of existing commercial structure. Despite the charge-sheet filed way back in the year 2019, the applicant has approached to this Court for quashing of the FIR. Furthermore, none present today for the applicant. We find no merit in this application. The criminal application is hereby rejected.

(S. G. DIGE, J.)

(V.K. JADHAV, J.)

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