

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 2150 OF 2019

MUNJA S/O. BHAGWAN THITE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. J.N. Ghuge, Advocate for applicants
Mr. R.V. Dasalkar, APP for respondent – State
Mr. Shirish M. Kamble, Advocate for respondent no. 2
...

**CORAM : V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 24TH NOVEMBER 2021

ORAL ORDER :

1. Heard finally, by consent at the admission stage.
2. The applicants – original accused are seeking quashing of the FIR no. 220 of 2019 dated 15-5-2019 registered with Jintur Police Station, Parbhani for the offences punishable under section 324, 294, 341, 323, 504, 506, 34 of the Indian Penal Code and under section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. During the pendency of this Criminal Application, chargesheet has been submitted. Applicants have thus amended the prayer clause and also are seeking quashing of the criminal proceedings bearing Special Case no. 34 of 2019.

4. Learned counsel for applicants submits that there is previous enmity between applicants and the respondent no. 2. Learned counsel submits that no such incident had taken place and due to the previous enmity, the applicants have been falsely implicated in connection with the present crime.

5. Learned counsel for respondent no. 2 submits that the incident had taken place on 14-05-2019 at about 3.15 pm and on 15-05-2019, complaint came to be lodged with the concerned Police Station. Learned counsel submits that the names of the applicants are mentioned in the FIR with a specific role attributed to each of them. Learned counsel submits that the applicants herein have not only obstructed the respondent no. 2 but abused him within public view by referring his tribe. Furthermore, the applicant – Ganesh has caught hold the collar of shirt of the informant, fallen him down on the ground and the applicant Munja has extended him the beating with fist blows. It has been also alleged in the complaint that during the course of the said incident, the applicant – Ganesh has used the wooden log lying by the side of the road and inflicted the injuries on the back, waist of the informant. Further, they have also threatened the informant to face the consequences, if he would not sell the disputed portion of the land to them. Learned counsel submits that the investigation is completed and the chargesheet has been submitted before the Court long back. The trial Court has also framed the charges against the applicants and now

the case is posted for recording the prosecution evidence. The learned counsel submits that even the trial has commenced.

6. We have also heard learned APP for the respondent – State. The learned APP submits that there are allegations against both the applicants by attributing role to each of them, there is a triable case against both the applicants. This application is liable to be rejected. There are criminal antecedents against both the applicants. There are four cases against applicant no. 1 – Munja and two cases are pending against applicant no. 2 – Ganesh.

7. We have carefully gone through the allegations made in the complaint and also the police papers. It appears that names of the applicants are there in the FIR with a specific roles attributed to each of them. There is a triable case against both the applicants. They have not only extended beating to respondent no. 2 but also abused him by referring his tribe within the public view. In view of the same, no case is made out for quashing of the FIR.

8. Hence, we proceed to pass the following order:

ORDER

I) Criminal Application is hereby dismissed.

[SANDIPKUMAR C. MORE, J.]

[V.K. JADHAV, J.]

arp/