

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1660 OF 2019

1. Minakshi Babasaheb Chate
age 45 years, occ. household/agri.
r/o Balaghat Shikshak Colony
Canal road, Beed
Tq. & Dist. Beed.
2. Ashok Ankurshrao Ghuge
age 47 years, occ. Agril & Legal practitioner
r/o Canal Road, Beed
Tq. & Dist. Beed.
3. Dr. Laxman Bhaskar Ware
age 33 years, occ. Medical Practitioner
r/o Ware Niwas, Survey no. 66
Circus Ground Behind Government ITI,
Beed, Tq. & Dist. Beed.
4. Govind Dnyanoba Munde
age 37 years, occ. Agri. & labour
r/o Tadsonna, Tq. & Dist. Beed.
5. Babasaheb Bibishan Munde
age 29 years, occ. Agri. & Labour
r/o Tadsonna, Tq. & Dist. Beed.

Petitioners

Versus

1. The State of Maharashtra
Through Police Station Officer
Wadwani Police Station
Tq. Wadwani, Dist. Beed.
2. Sarjerao Bhanudas Alane
age major, occ. Agri
r/o Wadwani, tq. Wadwani
Dist. Beed.

Respondents

Mr. S.R. Shirsat, Advocate holding for Mr. N.V. Gaware, Advocate for petitioners.

Mr. M.M. Nerlikar, APP for respondent No. 1.

Mr. P.R. Katneshwarkar, Advocate for respondent No. 2.

WITH
CRIMINAL APPLICATION NO. 3695 OF 2019

1. Sarjerao Bhanudas Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
2. Udhav Yashwant Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
3. Narayan Sarjerao Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
4. Nagesh Sarjerao Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
5. Dr. Sitaram Laxman Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
6. Ashok Shreekishan Bagde
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.
7. Shreekishan digambar Bagde
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani

Dist. Beed.

8. Laxman Bhanudas Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.

9. Keshav Laxman Alane
age major, occ. Agriculture
r/o Wadwani, Tq. Wadwani
Dist. Beed.

Applicants

Versus

1. The State of Maharashtra
Through the Incharge Police Station
Officer, Police Station Wadwani
Tq. Wadawani, Dist. Beed.
2. Laxman Bhaskar Ware
age 33 years, occ. Doctor
r/o Circus Ground Shakari
Behind I.T.I. Wadwani
Tq. Wadwani Dist. Beed.

Respondents

Mr.P.R. Katneshwarkar, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent No. 1.

Mr. S.R. Shirsat, Advocate holding for Mr. N.V. Gaware, Advocate for respondent No. 2.

CORAM : T.V. Nalawade &

M.G. Sewlikar, JJ.

DATE : 14th January, 2021.

ORAL JUDGMENT : (Per T.V. Nalawade, J.)

1. Rule. Rule made returnable forthwith.

2. By consent, heard both the sides for final disposal at admission stage.

3. Criminal Writ Petition No. 1660/2019 is filed for quashing of CR No. 98/2019 registered with Wadwani Police Station, Tq. Wadawani, Dist. Beed for offence punishable under sections 307, 325, 143, 147, 148, 149 and 504 of the Indian Penal Code. The crime is registered on the basis of report given by respondent No. 2 Sarjerao Bhanudas Alane. In this matter, there is affidavit of Sarjerao Bhanudas Alane.

4. Criminal Application No. 3695/2019 is filed for relief of quashing of CR No. 97/2019 registered with Wadwani Police Station, Tq. Wadwani, Dist. Beed, for offence punishable under section 324, 143, 147, 148, 149 and 504 of Indian Penal Code. The crime is registered on the basis of report given by respondent No. 2-Laxman Bhaskar Ware. In this matter, affidavit of respondent No. 2-Laxman Bhaskar Ware is filed which is to the effect that the parties have settled the dispute and they do not want to give evidence against each other as they want to lead peaceful life in future.

5. In aforesaid two matters, there are affidavits of persons like Chakradhar Mundhe, Sitaram Alane, Uddhav Alane, Shrikishan Bagde, Rameshwar Kanade and Sunita Ghuge.

6. Parties of both the proceedings are residents of the same village and they have settled the dispute. This Court has gone through the other record like nature of weapon used and injuries caused. By way of precaution, this Court had asked learned APP to ascertain the antecedents of the applicants. It was submitted by learned APP that as against Ashok-applicant No. 6 in Criminal Application no. 3695/2019, one case was registered in the year 2010 for offence punishable under Section 354 of the Indian Penal code. In this regard, submission is made by learned counsel Shri Shirsat that Ashok came to be acquitted in that case. In any case, in view of the nature of offence alleged against him in the year 2010, this Court holds that said circumstance need not be considered against him.

7. In view of these circumstances, this Court holds that relief needs to be granted in both the proceedings. Hence the following order :-

ORDER

1. Criminal Writ Petition No. 1660/2019 and Criminal Application No. 3695/2019 are allowed.

2. Relief is granted in terms of prayer clause 'B' in Criminal Writ Petition No. 1660/2019 and, in Criminal Application No. 3695/2019, relief is granted in terms of prayer clause 'A'.

3. Aforesaid relief is subject to the condition that the applicants and petitioners need to deposit amount of Rs. 5,000/- each as cost which the State has incurred for making investigation and as the cost of the present proceedings. The amount be deposited within four weeks from today. After deposit of the amount, the same be credited in the account of High Court Legal Services Authority, Sub-Committee at Aurangabad.

4. If the amount is not deposited then it is to be presumed that no relief is granted and the both the matters are dismissed.

5. Rule made absolute in above terms.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb