

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

CRIMINAL WRIT PETITION NO.1199 OF 2021

Anil Ramnath Chandak,
Age:53 years, Occ. Business,
r/o. Chapadgaon, Tq.Shevgaon,
Dist. Ahmednagar

..Petitioner

Vs.

1. The State of Maharashtra
2. Ashok Santram Patkal,
Age : 46 years, Occ. Service,
r/o. Chapadgaon, Tq. Shevgaon,
Dist. Ahmednagar

..Respondents

Mr.A.B.Kale, Advocate h/f. Mr.V.V.Tarde, Advocate for petitioner
Mr.S.P.Sonpavale, APP for respondent no.1
Mr.U.U.Wagh, Advocate for respondent no.2

**CORAM : R.G. AVACHAT, J.
DATE : FEBRUARY 24, 2022**

ORDER :-

The challenge in this Writ Petition is to the order dated 29.09.2021 below application (Exh.9) in Sessions Case No.8 of 2021. Learned Asstt. Sessions Judge, Ahmednagar, rejected the application (Exh.9) for discharge of the petitioner herein.

2. Heard learned counsel appearing for the parties.

3. The petitioner herein has been charge-sheeted for the offences punishable under Sections 353, 332, 504, 188, 269 and 270 of Indian Penal Code, Sections 2, 3 and 4 of Prevention of Epidemic Diseases Act, 1897 and Section 11 of Maharashtra Covid-19 Act, 2020.

4. The case of prosecution is that the informant was serving as a Clerk with the Village Panchayat, Chapadgaon, Tq. Shevgaon, Dist.Ahmednagar. The Village Panchayat had passed a resolution to the effect that the shops in the village shall not remain open post 3:00 p.m. every day. This was with a view to prevent spread of Corona virus. The informant was, therefore, taking round in the village on 07.07.2020 to see whether the directions were observed. The petitioner herein runs a cloth-shop in the village. The informant found it open little pass 3:00 p.m. (i.e. 03:10 p.m.). He, therefore, asked the petitioner to pay a fine of Rs.1,000/-. The petitioner got annoyed. He assaulted the informant and abused him as well. The informant, therefore, lodged the FIR pursuant to which Crime No.355 of 2020 has been registered with Police Station, Shevgaon, Dist. Ahmednagar, for the aforesaid offences.

5. On completion of the investigation, the petitioner came to be proceeded against by filing charge-sheet. The petitioner preferred application (Exh.9) seeking discharge.

6. On careful perusal of the FIR and other police papers, it is, in fact, a case of no discharge in terms of Section 227 of the Code of Criminal Procedure. The informant, however, appeared in the present proceedings and filed affidavit stating therein that both petitioner and himself are resident of one and the same village. Both of them have decided to live without differences between them. The villagers also intervened to see that the matter is settled. He wanted to give quietus to the dispute.

7. Considering the nature of the offences allegedly committed by the petitioner and since the informant/victim himself wants to have the matter closed, this Court, as an exception, allows the Writ Petition, granting the petitioner herein discharge from Sessions Case No.8 of 2021, pending before learned Asst. Sessions Judge, Ahmednagar.

[R.G. AVACHAT, J.]