

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

CRIMINAL APPLICATION NO. 3719 OF 2022

**DEEPAK MADHAVRAO KAKADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

**. . .
Advocate for Applicant : Mr. Shyam C. Arora
APP for Respondent No.1 - State : Mr. M. M. Nerlikar**

. . .

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 17 NOVEMBER 2022

PER COURT :

- . Heard learned advocate Mr. Arora for the applicant.
2. The applicant is seeking quashment of crime No. 650 of 2022, registered with Taluka Jalna Police Station, Tq. and Dist. Jalna, for the offences punishable under sections 25, 3 and 4 of the Arms Act, 1959 and sections 307, 143, 147, 148, 149, 120-B, 336, 427, 506 of Indian Penal Code and consequential proceedings.
3. Learned advocate Mr. Arora would submit that the applicant is a practicing advocate and has been falsely implicated. It would be sheer abuse of the process of law if he is made to face the investigation and a possible prosecution. Because of land dispute between two sides, he has been falsely

implicated. No specific role is attributed to him. At the relevant time, he was physically present before a Court and still has been falsely named in the FIR. Learned advocate Mr. Arora would further point out that in succession as many as four crimes have been registered, all of which has the genesis in the same land dispute. Since this Court has already issued notices in other three crimes in separate applications for the same relief of quashment, in the present matter a notice be issued.

4. Learned APP submits that specific role has been attributed to the applicant. The offence is serious. The Investigating Officer must be given a fair opportunity to carry out the investigation. He would submit that the orders passed by this Court in the other three cases has no relevance.

5. We have carefully perused the FIR and the papers.

6. It has been specifically alleged in the FIR that with a view to take forcible possession of a piece of land, the accused persons entered into the property and damaged it and in the process three rounds were fired by original accused no.1 from the rifle which he was carrying. The applicant and some of the other accused have been specifically alleged to have accosted informant's vehicle and it is specifically alleged that the applicant was instigating the co-accused to fire.

7. In our considered view, looking to the nature of crime and the aforementioned facts and circumstances, the case cannot be said to be covered by the guidelines laid down in the matter of ***State Of Haryana and Ors. Vs. Bhajan Lal; AIR 1992 SC 604.***

8. The application is rejected.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)