

Shahaji Bapuso Pawar and Ors. ...Petitioners  
V/s.  
The State of Maharashtra and another ...Respondents

Mr. Manoj A. Patil for the Petitioners.  
Mr. J.P. Yagnik, APP for the Respondent No.1 - State.  
Mr. S.R. Moray i/b Ms. Shivani Shinde for Respondent No.2.

CORAM : NITIN JAMDAR &  
N.R. BORKAR, JJ.  
DATE : 20 June 2022.

P.C. :

Heard the learned Counsel for the parties.

2. By this Petition, the Petitioners are seeking to quash the FIR/CR No.251 of 2020 registered at Tasgaon Police Station for the offences punishable under Sections 143, 147, 149, 447, 323, 504, 506 of the Indian Penal Code and under Section 30 of the Arms Act.

3. The Respondent No. 2-Complainant lodged the FIR on 18 June 2020 stating that the land purchased by the father of the Respondent No.2-Complainant is situated adjacent to the land of the Petitioners. The Respondent No.2 stated in the complaint that

on 18 March 2020 at about 10 a.m. when the Complainant, his brother and mother went to the agricultural land for cultivation, the Petitioners carrying sickle, koyta and other weapons came there and threatened and assaulted the Complainant, his brother and mother and obstructed them from entering their land. They also threatened them by brandishing a gun. The neighbour intervened. On these allegations, the FIR was lodged.

4. The learned Counsel for the Petitioners contended that there is a delay of three months from the incident and there were earlier complaints and this FIR is the outcome of civil dispute between the parties.

5. The scope of entertaining the Petition to quash FIR is limited. In the statement of the Respondent No.2-Complainant, there are specific details are there with regard to assault and the weapons used with which the Respondent No.2-Complainant and others were threatened. As regards the delay, the FIR gives an explanation that the Respondent No.2-Complainant felt that the issue would be resolved and therefore, immediately the FIR was not lodged. The veracity of this explanation cannot be examined at this stage. As regards the civil dispute is concerned, it could be argued that the incident took place, because there was a civil dispute.

6. Considering this position we are of the opinion that the appropriate remedy for the Petitioners, if so advised, is to apply for discharge, which application if filed will be considered on its own merits.

7. With these observations, Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)