

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

918 CRIMINAL APPLICATION NO.285 OF 2023

**JALINDAR BHAGWAN JAGTAP AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicants : Mr. Wakale Vijay Shivaji
APP for Respondent No. 1 : Mr. V.S. Badakh

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

DATE : 28.03.2023

PER COURT :

We have heard the learned advocate for the applicants and the learned A.P.P.

2. The applicants are seeking quashment of the Crime No. 283/2022 registered with Shillegaon Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 323, 332, 353, 504, 506 of the Indian Penal Code.

3. The learned advocate for the applicants submits that a peon was to be appointed in a Gram Sabha. They all had applied for such appointment and were insisting for there being a regular recruitment by a proper procedure. The respondent No. 2 who is a Gram Sevak was hellbent to appoint the computer operator who was working on the post of peon and the applicants were merely opposing it. A concocted version has been put up in the F.I.R. which is filed belatedly, after about 24 hours. He would also point out that while putting up a note after the meeting/Gram Sabha was over the respondent No. 2. has specifically mentioned that the selection to the post of peon would be conducted through examination. He would, therefore,

submit that annoyed by the applicants' protect, they are being falsely implicated.

4. There are inherent limitations for this Court to cause any interference particularly of quashing the crime even when the investigation is at a nascent stage.

5. Even according to the applicants, a Gram Sabha was being conducted. The respondent No. 2 was a Gram Sevak. The applicants were insisting for recruitment process to be undertaken for appointment of the peon in stead of selecting a candidate by resorting to the majority view at the Gram Sabha.

6. The aforementioned circumstances are sufficient to *prima facie* demonstrate that apart from motive, even the applicants were present at the scene.

7. We cannot go into the observations of the learned Sessions Judge while granting anticipatory bail to the applicants. Besides, the learned Sessions Judge has merely observed that the video clips do not show and substantiate the allegations of the respondent No. 2 about he having been assaulted. However, the learned judge does observe that a crowd had gathered and there was commotion. If such is the state of affairs, when this video clip which was before the Sessions Judge who described the incident as a commotion, in our considered view, nothing further is required to be gone into at this juncture to observe that there was some incident which needs to be investigated.

8. It would not be proper to stall the investigation by quashing the crime rather it would be appropriate to leave the investigating officer to undertake the exercise and reach an independent conclusion.

9. The Criminal Application is rejected.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

mkd/-