

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

1017 CRIMINAL APPLICATION NO.1194 OF 2023

Anil Raosaheb Khedkar

.. Applicant

Versus

1. The State of Maharashtra

2. Buddhabhushan Sukhdeo Dabhade

.. Respondents

...

Advocate for Applicant : Mr. Dhananjay A. Mane

APP for Respondent / State : Mr. R. V. Dasalkar

...

**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : OCTOBER 26, 2023

PER COURT :

. Heard.

2. This is an application for quashing of charge-sheet bearing No.48/2021 registered with Paithan Police Station for the offences punishable under Sections 430, 379 of the Indian Penal Code and Sections 92, 93 (3), 93 (4), 97, 98 of the Maharashtra Irrigation Act and consequential criminal proceeding bearing R.C.C. No.231/2021.

3. The applicant is alleged to have lifted water from the

back-water of Jayakwadi dam unauthorisedly and therefore he is alleged to have committed the aforesaid offences.

4. According to learned counsel for the applicant, the Superintendent Engineer, Irrigation Department, Aurangabad has granted permission to applicant by communication dated 24.05.2021 to lift the water of the Jayakwadi dam for the period of 18 years on certain conditions. The applicant has also been permitted to use electric motor of 3 HP. When the applicant has been granted permission to lift the water of Jayakwadi dam for 18 years commencing from 24.05.2021, we failed to understand as to how he committed the offence in question. As such, we find it to be a fit case to grant relief in favour of applicant. Hence, the following order:

ORDER

(i) Application is allowed in terms of prayer clause 'B'.

[NEERAJ P. DHOTE, J.]

[R.G.AVACHAT, J.]

GGP