



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2106 OF 2023

Pooja d/o. Prabhu More

..Applicant

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.O.V.Waghmare, Advocate for applicant

Ms.R.R.Tandale, APP for respondent no.1

Mr.A.P.Avhad, Advocate for respondent no.2

CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.

DATE : DECEMBER 07, 2023

ORDER :-

Heard.

2. By this application under Section 482 of the Code of Criminal Procedure, the applicant prays for quashment of the FIR, being Crime No.267 of 2020, registered with Taluka Jalna Police Station, Jalna, for the offences punishable under Sections 323, 324, 326, 504 and 506 read with Section 34 of Indian Penal Code and the consequential proceedings in R.C.C. 148 of 2021, pending before learned Judicial Magistrate, First Class, Jalna.

3. What can be gathered from the FIR and related papers is that the families of the applicant and the informant have dispute over agricultural land. The incident took place on 17.05.2020 by 10:00 in the morning in the land bearing gut no.147. What has been alleged in the FIR is that while the informant had been to the field to burn stubble, the applicant herself, her brother, sisters and mother went together to the field and questioned the informant. Thereupon, oral wrangle took place between the two. The brother of the applicant namely, Vitthal assaulted the informant on his head with iron rod. He again assaulted the informant with stone. The mother of the applicant namely, Janabai assaulted the informant with fisticuffs. Persons from the neighborhood intervened. The applicant is alleged to have abused the informant in filthy language.

4. The FIR and/or statements of witnesses are silent to state in what language, present applicant abused the informant. As such, no overt-act of assault has been attributed to the applicant herein. So far as regards the offences under Sections 504 and 506 of Indian Penal Code are concerned, same are vague, general and omnibus.

5. Learned APP submitted that the applicant was 17 years and 10 months of age, while the incident took place.

6. Although learned counsel representing the informant had strong objection, since there is no material to proceed against the applicant, in our opinion, asking her to stand trial, would be an abuse of process of the court. Moreover, she was found juvenile on the day of the incident. This fact also lead us to grant the applicant relief.

7. In the result, the application is allowed in terms of prayer clause (A).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP