

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2661 OF 2023

1. Santosh Rangnath Sonwane.
2. Laxman Suraybhan Gadekar.
3. Nitin Trimbak Rautrai.
4. Samadhan Raosaheb Gaikwad.
5. Akshay Bhimrao Maind.
6. Narayan Rangnath Sonwane.
7. Raju Kachru Katkar.
8. Navnath Gangadhar Dabhade.
9. Amol Hari Khillare.
10. Kishor Ganesh Charbhare.
11. Ravindra Kaduba Rautrai.

... Applicants

Versus

1. The State of Maharashtra.
2. Abdul Karim Nabi Patel.

... Respondents

...

Mr. Abhaysinh K. Bhosle, Advocate for Applicants.
Mr. N. T. Bhagat, A.P.P. for Respondent No.1 / State.
Mr. N. N. Desale, Advocate for Respondent No.2.

...

AND

CRIMINAL APPLICATION NO. 2785 OF 2023

Toshib Munshi Pathan.

... Applicants

Versus

1. The State of Maharashtra.
2. Narayan Rangnath Sonavane.

... Respondents

...

Mr. M. P. Bhaskar, Advocate for Applicant.

Mr. N. T. Bhagat, A.P.P. for Respondent No.1 / State.
Mr. A. K. Bhosle, Advocate for Respondent No.2.

...

AND

CRIMINAL APPLICATION NO. 2751 OF 2023

1. Naved Nazir Patel.
2. Awesh Navid Patel.
3. Salim @ Salman Nazir Patel.
4. Shoaib Abdul Karim Patel.
5. Babulal Nawab Patel. ... Applicants

Versus

1. The State of Maharashtra.
2. Narayan Rangnath Sonawane. ... Respondents

...

Mr. Nilesh N. Desale, Advocate for Applicants.
Mr. N. T. Bhagat, A.P.P. for Respondent No.1 / State.
Mr. A. K. Bhosle, Advocate for Respondent No.2.

...

AND

CRIMINAL APPLICATION NO. 2750 OF 2023

1. Ashfaque Abdul Karim Patel.
2. Abdul Karim Patel.
3. Shahid Abdul Karim Patel.
4. Naser Kalu Patel.
5. Momin Mukim Patel.
6. Feroz Afsar Pathan.
7. Mukim Mohammad Patel.
8. Alim Mukim Patel.
9. Naser Afsar Pathan.
10. Munna Afsar Pathan.
11. Samir Afsar Pathan.
12. Salman Hakim Patel. ... Applicants

Versus

1. The State of Maharashtra.
2. Narayan Rangnath Sonawane. ... Respondents

...

Mr. Nilesh N. Desale, Advocate for Applicants.
 Mr. N. T. Bhagat, A.P.P. for Respondent No.1 / State.
 Mr. A. K. Bhosle, Advocate for Respondent No.2.

...

AND**CRIMINAL APPLICATION NO. 2783 OF 2023**

Ejaj Dawal Patel. ... Applicant

Versus

1. The State of Maharashtra.
2. Narayan Rangnath Sonavane. ... Respondents

...

Mr. M. P. Bhaskar, Advocate for Applicant.
 Mr. N. T. Bhagat, A.P.P. for Respondent No.1 / State.
 Mr. A. K. Bhosle, Advocate for Respondent No.2.

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

DATE : 19th August, 2023.

Per Court:

. Not on board. Mentioned. Taken on board.

2 In Criminal Application No.2751 of 2023, leave to add.

3 All these applications are being decided by this common

order since challenge therein is to two FIRs arising out of one and the same incident.

4 Criminal Application No.2661 of 2023 has been filed for quashment of FIR No.188/2023 dated 30th May, 2023, registered with Pishor Police Station, District Aurangabad, for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 153-B and 109 of the Indian Penal Code and under Section 4/27 of the Arms Act while other applications are for quashment of FIR No.189 of 2023 dated 30th May, 2023, registered with Pishor Police Station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and under Section 4/27 of the Arms Act.

5 The applicants although from different villages, had come to one village namely Shelgaon to attend some marriage. The marriage procession was under-way. The applicants and others were dancing on the tune while procession was passing by a mosque in the village. One of the applicants in Criminal Application No.2751 of 2023 requested not to play D.J. until the procession passes by the mosque. Over the said request, a quarrel and consequential fight took place between the two groups. The victims namely Babulal and Awesh suffered stab injuries. The injuries are simple in nature. The other

victims suffered simple injuries. All other victims suffered injuries simple in nature.

6 The learned APP has strong objection to allow these applications since according to him, the offences are serious. Some of the applicants have criminal antecedents.

7 We have perused both the FIRs and the relevant documents on record. True, some of the applicants have criminal antecedents, but those dates back to the year 2017 and before. It is a matter / fight between the members of two communities. Elders from both the communities have come together to settle the matter. As such, a truce has been worked out between all the applicants. Only with a view to give peace a chance, we allow all these applications. Hence, the following order:-

ORDER

- I. Criminal Application Nos.2661, 2750 and 2751 of 2023 are allowed in terms of prayer clause (C) and Criminal Application No.2783 and 2785 of 2023 are allowed in terms of prayer clause (B), subject to costs of Rs.5,000/- (Rupees Five Thousand Only) per applicant to be deposited with this Court on or before 31st August, 2023.

- II. After deposit of the said amount with this Court, 50% of the amount of costs be paid to Dattaji Bhale Blood Bank, Hedgewar Hospital, Aurangabad and rest 50% of the amount of costs be paid to the Library of Advocates' Association of Bombay High Court, Bench at Aurangabad.
- III. List these applications on board on 4th September, 2023 for compliance of this order.

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[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]