



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.306 OF 2024

Rohit s/o Gajendra Pawar

... PETITIONER

VERSUS

1. The State of Maharashtra
through its
Police Station Ausa,
Dist. Latur

2. Suresh s/o Nagorao Pawar

... RESPONDENTS

...

Advocate for petitioner: Mr. Yogeshwar L. Bidve and S.V. Salunke
A.P.P. for respondent/State : Mr. K.N. Lokhande

...

CORAM

: MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATED

: 18.01.2024

ORDER (MANGESH S. PATIL, J.) :

This is an application under Section 482 of the Code of Criminal Procedure seeking quashment of FIR No.533/2023 registered with Ausa Police Station, Latur for the offence punishable under Section 324, 323, 504 and 506 of the Indian Penal Code, at the instance of the respondent No.2.

2. The FIR lodged by respondent No.2 in brief alleges that the applicant is his neighbour who frequently splashes water on the road in front of their houses. On 29.12.2023 at about 10.30 am the applicant again released water on the road. When the respondent No.2 questioned him he started hurling abuses and beaten him with kicks and fists. He

then picked up a stone and assaulted the respondent No.2 on the left little finger. His wife and another neighbour Ravindra Bhausahab Pawar arrived there after hearing hue and cry. Thereafter the applicant left but not without threatening him of dire consequences. The respondent No.2 immediately rushed to the police station and was referred to for medical examination and thereafter the FIR was registered.

3. Learned advocate for the petitioner submits that the incident is trifling. Applicant is being falsely implicated because of the usual dispute between the two on account of his splashing the water in front of his house on the road which practice he has been following since long. At no point of time the respondent No.2 had objected to it. It is due to misunderstanding that the FIR has been lodged. It would be abuse of the process of law if the applicant is made to face the investigation and a possible trial.

4. Having heard the learned advocate for the applicant and having perused the FIR, it is explicitly clear that there could not have been any dispute about identity. The applicant and the respondent No.2 are the neighbours. The latter has expressly mentioned in the FIR about the cause for the quarrel and as to how the former has assaulted him after hurling abuses and about having used the stone causing injury to the little finger.

5. The FIR has also been lodged promptly. Though the application mentions about the respondent No.2 having entertained some

grudge, the applicant has not been able to explain as to what was that grudge and the reason there for. When the incident has been reported to the police promptly, we see no reason to obstruct the investigation by resorting to the extra ordinary power under Section 482 of the Code of Criminal Procedure.

6. The application is rejected.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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