



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Criminal Application No. 1018 / 2024

1. Latabai Vijay Pawar
2. Vitthal Gopinath Pawar
3. Shantabai Vitthal Pawar
4. Rukhminbai Datta Pawar
5. Nanadabai Krushna Pawar
6. Samadhan Vijay Pawar

All R/o Ishwar Nagar Tanda,
Helas, Tq. Mantha, Dist. Jalna.

...Applicants

Versus

1. The State of Maharashtra
Through officer Incharge
Police Station Mantha,
Dist. Jalna.
2. Kamalabai Prakash Rathod.

...Respondent

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Advocate for Applicants : Mr. S.J. Salunke

Addl.PP for the Respondent No.1/State : Mr. M.M. Nerlikar

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

DATE : 7 MARCH 2024

FINAL ORDER [Per Shailesh P. Brahme, J.] :

. Heard both the sides finally at the admission stage.

2. The applicants are invoking jurisdiction under Section 482 of the Code of Criminal Procedure for quashing FIR bearing C.R. No.115/2023 registered with Mantha Police Station, Charge-Sheet and RCC No. 6/2024 pending before the learned Judicial Magistrate, First Class, Mantha, District Jalna. The applicants are facing prosecution for offences under Sections 143, 147, 148, 149, 324, 325, 323, 326, 504, 506 of the Indian Penal Code.

3. It reveals from record that there is a rivalry between family of Datta Vitthal Pawar and family of Prakash Rathod. The cause was that one Ravi Prakash Rathod had eloped with Sangita Sanjay Pawar. Sangita happens to be brother's wife of Datta Vitthal Pawar. Whereas Ravi is the son of Prakash. Both the families had come together in a joint meeting on 25.03.2023 at Village Helas Ishwar Nagar Tanda, Taluka Mantha, Dist. Jalna. The incident took place in the meeting at about 12:00 pm. There were number of persons present in the meeting from both sides. Arising out of the incident that had occurred in the meeting, two FIRs have been registered.

4. FIR registered on 30.03.2023 bearing C.R. No.115/2023 which is in question, has been registered at the instance of respondent no.2/Kalpana Prakash Rathod. It is alleged that in a meeting dated 25.03.2023 near about 60 persons were present. Informant's sons – Ravi, Satish were assaulted by Datta. Informant's husband was assaulted by Vijay Vitthal Pawar and

Krushna Vitthal Pawar. Informant was beaten up by Amol Sanjay Pawar. Pooja Ravi Rathod was assaulted by Rahul. Other family members and the relatives of the informant were also assaulted by the accused persons. Injured persons were referred to a Hospital.

5. Offence in question was investigated and charge-sheet was filed which culminated in RCC No.6/2024. Medico-legal certificates of the injured persons are on record. Counter FIR bearing C.R. No.113/2023 registered on 29.03.2023 at the instance of Datta Vitthal Pawar has also been filed on record. Informant therein was assaulted by blood relatives of Sangita Prakash Pawar and their supporters. Other family members of Datta were also assaulted by the relatives of the informant/Kalpanabai. That offence was also being investigated. The medical papers of the injured persons in that offence, are also placed on record.

6. Learned Counsel for the applicants submits that due to the rivalry between two families, impugned FIR has been lodged. The allegations against the applicants are concocted and exaggerated. He would submit that no offence can be made out against the applicants. It is further submitted that there is a delay in lodging FIR. It is being submitted that the allegations are inherently improbable and specifically made to settle scores. According to learned Counsel, it would be abuse of process of law to proceed against the applicants.

7. Learned APP Mr. Nerlikar, submits that the allegations against

applicants are very specific. During the course of investigation, statements of the eye-witnesses as well as injured witnesses have been recorded to show involvement of the applicants. Though it is a matter of counter cases, there is medical evidence to show commission of an offence. He would lastly submit that no case is made out to exercise jurisdiction as contemplated by the parameters of **State of Haryana and Ors. Vs. Bhajan Lal and Ors.**, AIR 1992 SC 604.

8. We have considered rival submissions of the parties. We have gone through the relevant papers of C.R. No.115/2023 as well as C.R. No. 113/2023. The papers would reveal that there was a rivalry between two families and their supporters. The meeting was convened on 25.03.2023 to resolve the issue about Ravi Prakash Rathod having enticed married Sangita Sanjay Pawar from the family of the applicants. Considering the allegations in both the FIRs, it can be safely inferred that the assailants had come to the meeting with the weapons/preparation and with criminal intention.

9. It is a matter of record that near about 60 persons were present at the time of incident. There were number of eye-witnesses including injured eye-witnesses. Impugned FIR reveals specific allegations and attribution of the overtact against all accused persons. Ravi Prakash Rathod and Namdev Dhondiram Rathod are the injured eye-witnesses whose medical certificates are on record. Besides that there are number of

eye-witnesses namely Ramdas, Sheetal, Rajebhau, Pooja etc. who would disclose the involvement of the applicants.

10. The submission of the learned Counsel for the applicants that there is counter FIR bearing C.R. No.113/2023 registered by Datta Vitthal Pawar cannot be a ground to quash the proceeding. The rivalry between two families is apparent. In that offence also, informant and his family members are injured and the medical papers are available. Therefore at this stage it cannot be said that no fight had taken place amongst the members of both families or the allegations are imaginary.

11. We are of the considered view that a full-fledged trial is warranted to determine repurgations of belated registering of impugned FIR, as to whether the allegations are exaggerated or not and the involvement of the family members from both sides. From the papers of investigation, offence alleged against the applicants can be made out. This is not a fit case to exercise our jurisdiction under Section 482 of Cr.P.C.

12. In that view of the matter, we find no substance in the application and the same is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]