



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2205 OF 2021

1. Khajapasha S/o. Pashamiya Khan
2. Laikh Ahmed Khajapasha Khan
3. Ajmal Ahamad Khajapash Khan
4. Mubeen Aheman Khajapasha Khan
5. Feroz Ahmed Khajapasha Khan
6. Afroz Ahmed Khajapasha Khan
7. Aamar Ahmed Khajapasha Khan
8. Arbaz Khajapasha KhanApplicants

Versus

1. The State of Maharashtra
2. Piraji Ram NarodRespondents

...

Advocate for Applicants : Mr. M.L. Paithane
h/f. Mr. M.A. Golegaonkar
APP for Respondent No. 1 : Mr. S.S. Dande

...

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

DATE : 02 MAY 2024

PER COURT (Per : Shailesh P. Brahme, J.) :

1. Heard both the sides finally.

2. Applicants are seeking quashment of FIR No. 199 of 2020 registered with Biloli Police Station, District Nanded, for the offences punishable under Section 143, 147, 148, 427, 323, 504, 506 read with 149 of the Indian Penal Act and under Section 3 (1) (2) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Respondent no. 2 is the informant who lodged complaint against applicants on 06.12.2020.

3. The gist of the complaint is that when informant was in his field on 05.12.2020 at 06:00 p.m. he found that applicant no. 1 was running tractor through his standing crop. When he objected, applicant no. 1 started beating him and other accused joined him with knife and sticks. Informant and his mother-in-law were assaulted and abused by them. It is further alleged that golden necklace of mother-in-law was broken. They were assaulted deliberately, knowing that they belonged to scheduled tribe 'Mannervarlu'.

4. Learned counsel for the applicants submits that there is no recovery of weapon. No independent material is collected. He would further submit that no offence can be made out.

5. Taking the allegations contained in the FIR at their face value case is made out against all the applicants. A specific role has been attributed to them. Their presence at the relevant time cannot be disputed, at this stage. Whether there is recovery of weapon or any other defence available to the applicants can be taken into account during the course of trial.

6. We are of the considered view that no case for quashing is made out as contemplated by *State of Haryana and others Versus Bhajan Lal and others*, 1992 Suppl. 1 SCC 335. Criminal Application is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]