



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(This order is corrected vide Speaking to Minutes order dated 19.08.2024 and Section 135 of the Maharashtra Police Act has been added in paragraph No.1 as well as in clause No.2 of operative part of the order.)

955 CRIMINAL APPLICATION NO.4085 OF 2023

- 1 Tukaram Raghunath Gawale,
Age 68 yrs., Occ. Agri.,
R/o House No.8-18-258,
Itkheda, Paithan Road, Aurangabad,
Tq. & Dist. Aurangabad.
- 2 Barku Nathaji Gawale,
Age 75 yrs., Occ. Agri.,
R/o Behind Boudh Vihar,
Paithan Road, Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 3 Balu Dagdu Jangle,
Age 52 yrs., Occ. Agri.,
R/o House No.1-18-264, Near Chetwan
Boudh Vihar, Paithan Road, Itkheda,
Aurangabad, Tq. & Dist. Aurangabad.
- 4 Bharat Dhondiram Gaikwad,
Age 51 yrs., Occ. Agri.,
R/o House No.6-18-264,
Near Maroti Mandir, Paithan Road,
Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 5 Kaduba Kesuji Jangale,
Age 63 yrs., Occ. Agri.,
R/o House No.14-1-124,
Near Maroti Mandir, Paithan Road,
Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 6 Daulat Gopinath Jangale,
Age 49 yrs., Occ. Agri.,

R/o Indiranagar, Garkheda Parisar,
Near Ambedkar Statue, Aurangabad.
At present Itkheda, Paithan Road,
Aurangabad, Tq. & Dist. Aurangabad.

- 7 Krushna Kachru Gaikwad,
Age 40 yrs., Occ. Agri.,
Paithan Road, Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 8 Manohar Laxman Gawale,
Age 50 yrs., Occ. Agri.,
R/o House No.6-18-305, Itkheda,
Paithan Road, Aurangabad,
Tq. & Dist. Aurangabad.
- 9 Ramesh Raosaheb Gawale,
Age 24 yrs., Occ. Agri.,
R/o Near Municipal Corporation School,
Itkheda, Paithan Road, Aurangabad,
Tq. & Dist. Aurangabad.
- 10 Pravin Punjaram Gawale,
Age 25 yrs., Occ. Agri.,
R/o Behind Boudh Vihar,
Paithan Road, Aurangabad,
Tq. & Dist. Aurangabad.
- 11 Meena Balu Jangale,
Age 46 yrs., Occ. Agri.,
R/o House No.6-18-264,
Near Boudh Vihar, Paithan Road,
Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 12 Gayabai Tukaram Gawale,
Age 57 yrs., Occ. Agri.,
R/o House No.6-18-258,
Near Municipal Corporation School,
Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.

- 13 Vishal Tukaram Gawale,
Age 31 yrs., Occ. Agri.,
R/o House No.14-1-87,
Near Boudh Vihar, Paithan Road,
Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.
- 14 Chandrakala Rajaram Gawale,
Age 55 yrs., Occ. Agri.,
R/o Paithan Road, Itkheda,
Aurangabad, Tq. & Dist. Aurangabad.
- 15 Rekha d/o Kaluram Jangale @
Rekha w/o Vijay Bhalerao,
Age 39 yrs., Occ. Agri.,
R/o Near Samaj Mandir,
Paithan Road, Itkheda, Aurangabad,
Tq. & Dist. Aurangabad.

... **Applicants**

... **Versus** ...

- 1 The State of Maharashtra
Through Satara Police Station,
Aurangabad, Dist. Aurangabad.
- 2 Rajendraprakash Nathuram Sharma,
Age 66 yrs., Occ. Business,
R/o Plot No.36, Smruti Apartment,
Bansilal Nagar, Aurangabad,
Dist. Aurangabad.

... **Respondents**

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Mr. V.B. Patil, Advocate for applicants
Mr. S.V. Hange, APP for respondent No.1

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**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 08th AUGUST, 2024

ORDER :

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing the First Information Report vide Crime No.346/2021 dated 14.07.2021 registered with Satara Police Station, Dist. Aurangabad and proceedings bearing Regular Criminal Case No.831/2022 pending before learned Chief Judicial Magistrate, Aurangabad for the offence punishable under Sections 143, 147, 148, 149, 447, 448, 427, 384, 504, 506 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act.

2 The First Information Report came to be lodged on the report submitted by respondent No.2. Now, it is stated that matter is compromised. First Information Report also states about filing of civil suit bearing Regular Civil Suit No.11/2021 before Civil Court. It appears that pursis was filed in August, 2022 before trial Court i.e. Civil Judge Junior Division, Aurangabad, whereupon terms of settlement were reduced into writing. Those terms of

settlement have been read and recorded by learned 9th Joint Civil Judge Junior Division, Aurangabad on 24.08.2022. In the said terms of settlement para No.5 is in respect of Crime No.346/2021, wherein present respondent No.2 had agreed to take back the allegations and the prosecution.

3 In view of fact that the offence took place due to dispute in respect of land and it appears that respondent No.2 is the Power of Attorney of original owner, who appears to be related to applicants, we are of the opinion that case is made out for exercising powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, we proceed to pass following order. But before that we record that since the parties have utilized the entire machinery, we impost costs while allowing the application.

ORDER

1 Criminal Application stands allowed and disposed of.

2 First Information Report vide Crime No.346/2021 dated 14.07.2021 registered with Satara Police Station, Dist. Aurangabad and proceedings i.e. Regular Criminal Case No.831 of 2022 pending before learned Chief Judicial Magistrate, Aurangabad, for the offence punishable under Section Sections 143, 147, 148, 149, 447, 448, 427, 384, 504, 506 of

the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act stands quashed and set aside as regards applicants are concerned.

3 Applicants to deposit costs of Rs.15,000/- (Rupees Fifteen Thousand only) with High Court Legal Services Sub Committee, Aurangabad, within a period of 15 days from today.

(ABHAY S. WAGHWASE, J.)

(SMT. VIBHA KANKANWADI, J.)

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