

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4814 OF 2024

Kondiram Namdeo Patil

.....Petitioner

Versus

The State of Maharashtra & Anr.

.....Respondents

Mr. Vivek V. Salunke, Advocate for the Petitioner.

Smt. Madhavi H. Mhatre, A.P.P. for the Respondent-State.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 25th NOVEMBER 2024.**

P.C.:-

1. This Petition is for quashing of Criminal Case being S.T.C. No. 137 of 2023 (earlier Regular Criminal Case No. 556 of 2009) pending on the file of learned Judicial Magistrate First Class, Madha, District-Solapur arising out of the F.I.R. lodged vide C.R. No. 787 of 2021 registered at Tembhurni Police Station, District-Solapur (Rural) on 27th December 2021 for the offence punishable under Section 166-A of the Indian Penal Code, 1860. The F.I.R. refers to the incident dated 10th October 2009. Allegedly on that day, one Dhanaji Shivaji Kedar had trespassed on the land of first informant, Kashinath Talekar

with JCB machine. According to the first informant, he had given a complaint application on 10th October 2009 at Tembhurni Police Station, but the Police Officers had not registered any offence. In the year 2015, the first informant raked up this old issue and made complaints for not registering the offence in the year 2009. Ultimately he lodged the present offence vide C.R. No. 787 of 2021 on 27th December 2021. A long period and the delay speak for itself.

2. Learned counsel for the Petitioner submitted that the offence in respect of the said incident was infact registered and had resulted in Regular Criminal Case No. 556 of 2009 before the Judicial Magistrate First Class, Madha, District-Solapur, which has resulted in the acquittal of Dhanaji Shivaji Kedar, mainly based on the compromise between the first informant and the said Dhanaji Shivaji Kedar. This fact was suppressed in the statement relating to C.R. No. 787 of 2021 of Tembhurni Police Station.

3. Considering these submissions, it is necessary to hear the other side. However, the first informant is not added as a party-Respondent. It is necessary to hear him.

4. Learned counsel has made out a case for ad-interim protection. Hence, the following order :-

ORDER

- a. Leave to amend to add the first informant, Kashinath Talekar as party-Respondent.
 - b. Amendment be carried out forthwith.
 - c. After carrying out the amendment, issue notice to the added Respondent, returnable on 3rd February 2025.
 - d. Till then the Trial Court shall not proceed against the Petitioner only.
5. Stand over to 3rd February 2025.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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KOTAWADEKAR

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