

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 493 OF 2023

**SATISH MADHAVRAO GUNJAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. K.N. Shermale, Advocate for the petitioners.

Mr. S.J. Salgare, A.P.P. for respondent-State.

Mr. R.B. Temak, Advocate for respondent No.2.

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 4 AUGUST 2025

Per Court :

1. By this petition filed under Articles 226 and 227 of the Constitution of India, petitioners seek quashing of F.I.R. bearing No.0460 of 2022, dated 31.10.2022, registered with Sangamner Taluka Police Station, for the offence punishable under Sections 354 (A) (1) (i), 143, 147, 148, 447, 327, 504, 506 of the Indian Penal Code.

2. Respondent No.2 i.e. the informant lodged F.I.R. in question alleging that he is the owner and occupier of Gut No.853 and by taking disadvantage of entries in 7/12 extract in joint name and by executing sham gift deed in favour of Shailabai Annasaheb Bhor, who further executed sham sale deed in favour of petitioner Nos.1 and 2, possession of the

informant was being attempted to be obstructed. A civil suit bearing Special Civil Suit No. 42 of 2020 for cancellation of aforesaid sale deed is pending in the Civil Court, Sangamner and similar litigation is pending before Additional Collector in RTS Appeal No. 432/2021. The division of Gut no. 853 has also been challenged in Appeal No. 2336/2021 before the District Collector, Ahmednagar and similar proceeding is pending before Tahsildar, Sangamner. Despite the awareness of such litigation regarding the land dispute and despite the fact that the petitioner Nos.1 and 2 are not in possession of the property, petitioner Nos.1 and 2, in furtherance of their common intention with petitioner No.3 and his companions, attempted to dispossess the informant. They executed a sham contract for sale in favour of petitioner No.3 without consideration.

3. It is further alleged that on the day of incident petitioner No.3 gathered an unlawful assembly of 50 to 55 persons holding sticks, swords, etc. and created fear and ruckus to dispossess the informant. He had also employed JCB and Poclain machine for dispossessing the informant. The informant, his brother Macchindra, wife Mandabai etc. restrained him, but they were threatened to be prosecuted for

the offence under SC and ST (Prevention of Atrocities) Act and were also threatened to be killed. Petitioner No.3 and his companions outraged modesty of informant's wife Mandabai by uttering obscene words and scuffling with her with sexual motive. Petitioner No.3 also snatched her Mangalsutra of 40 Gram and threatened to set on fire their house.

4. It is contention of the petitioners that petitioner Nos.1 and 2 were not at all present at the time of alleged incident. Allegation against them is that, on their instigation, the third petitioner has committed the alleged offence. According to them, due to civil litigation pending between the parties, they are falsely implicated in the present crime.

5. Learned A.P.P. and learned advocate for respondent No.2 have strenuously opposed the petition contending that there are specific allegations against the petitioners in respect of commission of offence that petitioner Nos.1 and 2 have instigated petitioner No.3 to indulge into the offence. It is further contended that in spite of their being interim injunction granted by the competent Civil Court against petitioner Nos.1 and 2 at the instance of informant, petitioner Nos.1 and 2 have entered into an agreement of sale of the disputed with petitioner No.3. It shows their intention.

6. With the assistance of learned advocate for the petitioners, learned A.P.P. and learned advocate for respondent No.2, we have perused the charge-sheet and documents placed on record.

7. After arguing for some time, when this Court was not inclined to grant relief, learned advocate for the petitioners, on instructions, seeks permission to withdraw the petition to the extent of petitioner No.3. Permission is granted. Petition of PW-3 Akash Arjun Godage is dismissed as withdrawn.

8. It is a matter of record that petitioner No.3 lodged F.I.R. against informant/respondent No.2, Macchindra Suryabhan Navale, Sonali Bharat Navale, Mandabai Bharat Navale, Indubai Macchindra Navale, Mithun Fatangare, brother of Mithun Fatangare and 30 to 40 unknown people alleging that on 30.10.2022 at 12.00 noon the accused persons threatened him with life and abused in the name of caste. His cousins Renuka Shirole and Soni Misal were abused and manhandled and their modesty was outraged by the accused persons. Renuka's Mangalsutra was snatched and the blue flags installed at that place were uprooted and thrown away. Accordingly, F.I.R. No. 0457 of 2022 was registered with Sangamner Taluka Police Station for the offence punishable

under Sections 354 (A) (1) (i), 143, 147, 148, 447, 327, 504, 506 of I.P.C. and under Sections 3 (1) (w), 3 (2)(v), 3 (2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against respondent No.2 and his family members.

9. It appears that since the petitioners have purchased the subject land and as the informant has filed civil suit against petitioner No.2 seeking declaration that the sale deed executed in her favour be declared null and void, with a view to pressurise the petitioners, their names are involved in the present crime. There is no material on record to show that the petitioners were present at the time of alleged incident. Therefore, even if the allegations made in the FIR are accepted as it is, no offence is made out against the petitioners. Names of petitioners appear to be implicated to settle the personal score and with a view to take vengeance against the petitioners. Continuation of prosecution against petitioner Nos.1 and 2, therefore, is an abuse of process of law and court.

10. For the aforesaid reasons, petition is allowed. Proceedings bearing R.C.C. No.176 of 2023 initiated on the basis of F.I.R. No.0460 of 2022 dated 31.10.2022 registered with Sangamner Taluka Police Station for the offence

punishable under Sections 354 (A) (1) (i), 143, 147, 148, 447, 327, 504, 506 of the Indian Penal Code, are hereby quashed and set aside to the extent of petitioner Nos.1 and 2.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE