



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 2287 OF 2023

1. Sharad Bhau Kharat
Age : 35 years, Occ : Agri.,
2. Bhiva Sopan Kharat
Age : 35 years, Occ : Agri.,
3. Anil Pandurang Kharat
Age : 22 years, Occ : Agri.,
4. Sagar Eknath Kharat
Age : 24 years, Occ : Agri.,
5. Eknath Namdeo Kharat
Age : 57 years, Occ : Agri.,
6. Pandurang Namdeo Kharat
Age : 55 years, Occ : Agri.,
7. Vishranta @ Suman Bhau Kharat
Age : 67 years, Occ : Household,
8. Meerabai Pandurang Kharat
Age : 42 years, Occ : Household,
9. Somnath Eknath Kharat
Age : 31 years, Occ : Agri.,
10. Padam @ Jayshree Bhivaji Kharat
Age : 41 years, Occ : Agri.,
11. Tai Eknath Kharat
Age : 52 years, Occ ; Household,
12. Bapu Dnyandeo Kharat
Age : 36 years, Occ : Agri.,

All R/o Anandwadi Shivar (Kharatwadi),
Tq. Shrigonda, Dist. Ahmednagar.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Inspector
Shrigonda Police Station,
Tq. Shrigonda, Dist. Ahmednagar.
2. Raosaheb Vitthal Kharat
Age : 30 years, Occ : Agri.,
R/o Anandwadi Shivar (Kharatwadi),
Tq. Shrigonda, Dist. Ahmednagar.

..RESPONDENTS

...

Advocate for the applicants : Mr. Prakash B. Shirsat,
APP for Respondent- State : Mrs. P.R. Bharaswadkar
Advocate for respondent No.2 : Mr.Sanket S. Jangale

...

**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATE : 22nd JANUARY, 2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

. The present application is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) in order to challenge FIR No. 349 of 2023, registered with Police Station Shrigonda, Dist. Ahmednagar on 31.03.2023, for the offences punishable under Sections 143, 147, 323, 341, 504 and 506 of the Indian Penal Code (I.P.C.). The respondent no.1 has filed charge-sheet and thereafter Summary Criminal Case No.738 of 2023 is registered against the applicants, which is pending for adjudication before the Judicial Magistrate, First Class, Shrigonda.

2. The respondent no.2 - informant has lodged the above FIR

on 31.03.2023. The prosecution story is that on 29.01.2023, while the respondent no.2 was harvesting sugarcane crop in his field bearing Gut No.158, a trolley containing sugar-cane got stuck in the field. In order to remove the trolley, two tractors were deployed. The first tractor coincidentally went on to the road intervening Gut Nos.158 and 157. It will be pertinent to mention here that Gut No.157 is owned by the applicant nos.5 and 6 and their family. There was a dispute in relation to the said road in which an order is passed under Mamlatdar's Courts Act, 1906 granting right of way to the applicants vide order dated 26.12.2022. The respondent no.2 has stated that since the tractor blocked the road, the applicant no.1 to 4 started quarrel in that regard with the respondent no.2, and they had beaten him at around 7:30 p.m. on 29.03.2023. In this respect, he says that he had made a complaint with the respondent no.1 police station and on the basis of same, a non-cognizable case no.154 of 2023 came to be registered. He then states that in the night on 29.01.2023 at about 10 p.m., when he was going to his house along with his father on motorcycle, the applicants apprehended them and started beating them up since they had lodged the above N.C. against applicant nos.1 to 4. On the basis of such allegations, above FIR has been registered against the applicants.

3. The respondent no.1 has conducted investigation in the

matter and has filed chargesheet on 13.06.2023, vide final report no.174 of 2023. Based on this, Summary Criminal Case No.738 of 2023 is registered against the applicants and is pending on the file of the learned Judicial Magistrate, First Class, Shrigonda.

4. Learned counsel for the applicants states that the applicants have been falsely implicated in the matter. The learned counsel for applicants submits that on 29.03.2023, there was a dispute in relation to the road, which was granted to the applicants, vide order dated 26th December, 2022 passed under Mamlatdar's Court Act. However, the respondent no.2 and his family members had deliberately blocked the road and had started quarrel with the applicants in that regard. The learned counsel points out from the record that due to this on 31.03.2023, the applicant no.1 had lodged FIR against the respondent no.2 and nine others bearing FIR No.348 of 2023, for offences punishable under sections 341, 143, 147, 323, 504 and 506 of IPC. He states that the FIR by respondent no.2 is merely a counter blast.

5. As against this, Mrs. P.R. Bharaswadkar, learned APP and Shri Sanket S. Jangale, learned counsel for respondent no.2 argue that contents of FIR certainly demonstrate that a cognizable offence is committed. They submit that truth will come to the fore only after trial is conducted.

6. Having heard the learned Advocates for the parties and upon perusal of the record, we find that the respondent no.2 has alleged that due to the dispute relating to the road, applicant nos.1 to 4 had initially beaten him on 29.03.2023. He states that he had lodged N.C. report against applicant nos.1 to 4. Then he states that upon learning that N.C. report was lodged against applicant nos.1 to 4, the applicants had stopped the respondent no.2 and his father while they were going to their home at about 10 p.m. and had physically assaulted them. The FIR names the persons, who were involved in the act of attack. The parties are known to each other. It is clear from the record that both sides have their own version in relation to the episode. The record indicates that the contents of FIR certainly make out cognizable offence under Sections 143 and 147 of IPC. We cannot conduct a mini trial at this stage in order to decide correctness or otherwise of the allegations, the allegations make out a cognizable offence, and therefore, we are of the considered opinion that FIR cannot be quashed in exercise of our powers under Section 482 of the Cr.P.C. The application is, therefore, rejected.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga/