



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL APPLICATION NO.3126 OF 2024

- 1 Sanjay Asaram Jadhav,
Age 30 yrs., Occ. Agri.,
- 2 Shivprasad @ Balu Ravindra Gaikwad,
Age 26 yrs., Occ. Agri.,
- 3 Suresh Prabhu Gaikwad,
Age 27 yrs., Occ. Agri.,
- 4 Krushna Manik Jadhav,
Age 26 yrs., Occ. Agri.,

All are r/o Marsavali,
Tq. Phulambri, Dist. Aurangabad.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Station Officer,
Police Station, Phulambri,
Tq. Phulambri, Dist. Aurangabad.
- 2 Nakul Sheshrao Gorade,
Age 33 yrs., Occ. Agri.,
R/o Marsavali, Tq. Phulambri,
Dist. Aurangabad.

... Respondents

...

Mr. V.B. Kale, Advocate for applicants

Mr. A.R. Kale, APP for respondent No.1

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 09th APRIL, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashing the proceedings in Regular Criminal Case No.86/2023 pending before learned Judicial Magistrate First Class, Phulambri, Tq. Phulambri, Dist. Aurangabad, for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, arising out of First Information Report vide Crime No.24/2023 dated 19.01.2023 registered with Police Station, Phulambri, Dist. Aurangabad.

2 Respondent No.2 has filed affidavit-in-reply, wherein he states that due to some misconception he had lodged the said First Information Report and he has no objection for quashing the First Information Report and the proceedings.

3 Learned Advocate for respondent No.2 submits that on 20.01.2023 offence under Sections 376, 323 of the Indian Penal Code and Sections 3(1)(w)(i), 3(1)(w)(ii), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 came to be registered

at the behest of wife of one of the applicants, that was investigated and Special Case No.116/2023 was filed with the Special Court, under the Atrocities Act, Aurangabad. This Court by order dated 30.07.2024 in Criminal Application No.2576/2024 has quashed the said proceedings after the compromise.

4 Here, we have also perused the First Information Report in which it is stated that the assault was by stick and stone. Perusal of spot panchnama would show that a stone weighing 1 k.g. and a stick which is 03 feet in length was recovered from the spot. Taking into consideration this description it cannot be stated that the ingredients of Section 324 of the Indian Penal Code would have been attracted as the instrument for causing hurt is not a weapon or instrument of shooting, cutting, stabbing etc. Rest of the sections are non cognizable.

5 Now, in view of the compromise also we have no hesitation in exercising our powers under Section 482 of the Code of Criminal Procedure. However, since the machinery has been utilized, we impost cost of Rs.10,000/- each to the applicants as well as an amount of Rs.10,000/- on respondent No.2, to be deposited on or before 25.04.2025 with the High Court Legal Services Sub Committee, Aurangabad. On this condition the application is allowed. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.86/2023 pending before learned Judicial Magistrate First Class, Phulambri, Tq. Phulambri, Dist. Aurangabad, arising out of First Information Report vide Crime No.24/2023 dated 19.01.2023 registered with Police Station, Phulambri, Dist. Aurangabad, for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Sanjay Asaram Jadhav**, 2) **Shivprasad @ Balu Ravindra Gaikwad**, 3) **Suresh Prabhu Gaikwad** and 4) **Krushna Manik Jadhav**.
- iii) Each of the applicants and respondent No.2 to deposit cost of Rs.10,000/- (Rupees Ten Thousand only) each, on or before 25.04.2025, with the High Court Legal Services Sub Committee, Aurangabad.
- iv) Place the matter for compliance on 02.05.2025.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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