



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

CRIMINAL APPLICATION NO. 2273 OF 2020

1. Sanjay s/o Omkar Ugale,
Age 28 Years, Occu: Agriculture,
2. Satish s/o Nanasaheb Ingale,
Age 28 Years, Occu: Agriculture,

Both R/o Kumbhari, Tq. Badnapur,
District Jalna.
3. Parmeshwar s/o Shivram Matade,
Age 40 Years, Occu: Agriculture,
R/o Dongargaon, Tq. Badnapur,
District Jalna.

... Applicants

Versus

1. The State of Maharashtra,
Through Police Inspector,
Police Station Badnapur,
Tq. Badnapur, Dist. Jalna
2. Dayanand s/o Bramhanand More,
Age 33 Years, Occu: Service,
Police Constable Badge No.851,
Police Station Badnapur,
T. Badnapur, Dist. Jalna.

... Respondents
(R-2 Org. Complainant)

...
Mr. Kailas B. Jadhav, Advocate for Applicants.
Smt. R. P. Gour, APP for Respondent Nos.1 & 2.
...

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

DATE : 17th March, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the Charge-Sheet No.58 of 2021, dated 6th April, 2021, filed in the Court of learned Judicial Magistrate First Class, Badnapur, District Jalna, arising out of FIR bearing Crime No.266 of 2020, dated 2nd July, 2020, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 307 and 353 read with 34 of the Indian Penal Code.

3 When this Court expressed disinclination to grant any relief to applicant No.1, the learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1. Leave granted.

4 It is averred in the report by informant Dayanand Brahmanand More, Police Constable, that he is attached to Badnapur Police Station, District Jalna. He is the writer of A.P.I. Bhagwat. On 2nd July, 2020 at about 03:00 pm, the informant was in the police station. API Bhagwat received information regarding the location of absconding accused namely Sanjay Omkar Ugle in Crime No.51 of

2020. Therefore, they both decided to proceed to search him alongwith Police Naik Rathod, Police Naik Dakhorkar, Home Guard Tekale, Home Guard Kamkar and Home Guard Gite. They all went by the government vehicle i.e. jeep towards Devpimpalgaon. Upon reaching Devpimpalgaon, they proceeded to village Kumbhari with the help of motorcycles from the local persons in that area towards the house of accused Sanjay. At around 04:15 pm, they saw a Scorpio vehicle bearing registration No. MH-04-FA-8143 is proceeding with high speed. They signaled the driver to stop and stood in the middle of the road. Accused Sanjay was sitting in the said vehicle. At that time, accused Sanjay loudly instructed the driver of the Scorpio vehicle to run the said car over the informant and his fellow officers. The driver then increased the speed of it and tried to run over the car on them and proceeded towards village Kumbhari. The informant and others quickly moved to the side of the road into the mud to save their lives. In the said Scorpio vehicle, accused Sanjay was sitting on the front passenger seat and applicant No.3 Satish was sitting in the back seat. The informant and others started to follow the said vehicle. However, due to the muddy road, their motorcycles could not be driven at a speed sufficient to catch up with the Scorpio vehicle. Later, while traveling towards Jalna Road, the informant and others saw that Scorpio vehicle again. They told that fact to the driver of the police jeep on mobile phone that the Scorpio is coming from Kumbhari. They

told the driver of the police jeep to stop the said Scorpio vehicle, but the Scorpio vehicle succeeded in proceeding further. However, as there was no road ahead, they abandoned the Scorpio vehicle and ran away towards the direction of the hills. The informant and other tried to follow them. They managed to apprehend the driver (applicant No.3) who was limping. Upon inquiry, applicant No. 3 stated that while running, he sustained an injury from a stone to his leg. When they asked about the other absconding individuals, he could only identify one of them as "Shubham Bhaiyya". Regarding accused Sanjay and applicant No.2, he stated that they left the Scorpio vehicle and fled from Kumbhari, instructing him to drive away at full speed. Therefore, he was driving the Scorpio vehicle at full speed. The informant and others brought the Scorpio vehicle and applicant No.3 to the police station and thereafter, the report was lodged.

5 The learned counsel for the applicants submitted that false report is lodged against the applicants. They are falsely implicated in the crime. The statements of witnesses are stereotype. No evidence of individual witness is recorded, except the driver of the jeep namely Manoj Manikrao Kamble, who was engaged by the police station. He submitted that if the applicants are directed to face the trial, in such situation, they will certainly suffer. He lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. Applicant No.3 acted upon the directions of accused Sanjay and drove the Scorpio vehicle at full speed and tried to run over the said vehicle on the informant and his fellow officers. Applicant No.2 was inside the Scorpio vehicle and he did not object or try to stop the attack. Section 307 of the IPC is invoked against them as they attempted to commit murder of the informant and other officers by running Scorpio vehicle over them. She lastly prayed to reject the application.

7 We have perused the report and the charge-sheet, particularly, the statements of witnesses.

8 The application of applicant No.1 is withdrawn. We are considering the application of applicant Nos.2 and 3.

9 The statements of witnesses are mostly similar to that of the report lodged by the informant. The witnesses have stated in their statements about the incident took place there. All the witnesses are staff members of the Police Station Badnapur. No independent witness is examined, except Manoj Manikrao Kamble, who was the driver of the jeep, whose jeep was engaged by the Police Station

Badnapur. The *Panchanama* of the spot of the incident is showing two spots of incident. No doubt, for proving attempt to commit murder punishable under Section 307 of the IPC, it is not necessary that there shall be physical injury to the victim of the crime. It is well settled that the intention to kill alongwith attempt, is sufficient.

10 However, after reading the report and the statements of witnesses, it does not inspire confidence that such incident might have taken place and applicant Nos.2 and 3 might have attempted to commit murder by running over the Scorpio vehicle on the persons of informant and others, who quickly moved to the side of the road into the mud to save their lives. If the entire charge-sheet is considered together, we are of the view that if applicant Nos.2 and 3 are directed to face the trial, it would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application to the extent of applicant Nos.2 and 3 by exercising our inherent powers under Section 482 of the Cr.P.C. Hence, the following order:-

ORDER

- I. The application of applicant No.1 stands dismissed as withdrawn.
- II. The Charge-Sheet No.58 of 2021, dated 6th April, 2021, filed in the Court of learned Judicial Magistrate

First Class, Badnapur, District Jalna, arising out of FIR bearing Crime No.266 of 2020, dated 2nd July, 2020, registered with Badnapur Police Station, District Jalna, for the offences punishable under Sections 307 and 353 read with 34 of the Indian Penal Code, stands quashed and set aside to the extent of applicant Nos.2 and 3 (Satish Nanasaheb Ingale and Parmeshwar Shivram Matade) only.

III. The application stands disposed of.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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