



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

CRIMINAL APPLICATION NO.3234 OF 2022

- 1) Babasaheb Rajendra Satav,
Age-39 years, Occu:Agri.,
 - 2) Kiran Kumar Satav,
Age-38 years, Occu:Agri.,
 - 3) Sumant Rajendra Satav,
Age-36 years, Occu:Agri.,
 - 4) Aruna Babasaheb Satav,
Age-36 years, Occu:Household,
 - 5) Sangita Sumant Satav,
Age-32 years, Occu:Household,
 - 6) Pushpa Kirankumar Satav,
Age-30 years, Occu:Household,
 - 7) Muktabai Rajendra Satav,
Age-70 years, Occu:Household,
- (Application of Applicant Nos. 1 to 7
came to be dismissed as withdrawn
vide order dated 13th October 2022)**
- 8) Alka Bhausahab Satav,
Age-46 years, Occu:Household,
 - 9) Someshwar Bhausahab Satav,
Age-30 years, Occu:Agri.,
 - 10) Vaishali Someshwar Satav,
Age-21 years, Occu:Household,

- 11) Mahadeo Bhausaheb Satav,
Age-31 years, Occu:Agri.,
- 12) Vandana Mahadeo Satav,
Age-27 yeas, Occu: Service,
- 13) Prakash Dattatray Zanan,
Age-36 years, Occu:Agri.,
- 14) Kanchan Prakash Zanan,
Age-33 years, Occu:Household,
- 15) Sampat Rambhau Jagdale,
Age-58 years, Occu:Agri.,
- 16) Macchindra Sampat Jagdale,
Age-37 years, Occu:Agri.,

All R/o-Ekrukhe, Taluka-Rahata,
District-Ahmednagar.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Police Station, Rahata,
Taluka-Rahata, District-Ahmednagar,
- 3) Suyog Digambar Satav,
Age-26 years, Occu:nil,
R/o-Rahata, District-Ahmednagar.

...RESPONDENTS

...
Ms. Suvarna M. Zawre Advocate for Applicants.
Mr. G.A. Kulkarni, A.P.P. for Respondent Nos. 1 and 2.
Mr. Mukul S. Kulkarni Advocate for Respondent No.3.
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**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 13th MARCH, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the proceedings in R.C.C. No. 4 of 2022 pending before the learned Judicial Magistrate First Class, Rahata, District-Ahmednagar, arising out of the First Information Report (for short "the FIR") vide Crime No. 281 of 2021 registered with Rahata Police Station, District-Ahmednagar on 23rd October 2021 for the offence punishable under Sections 354, 327, 141, 143, 147, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. It will not be out of place to mention here that when the matter was on Board on 13th October 2022, after hearing the learned Advocate for the applicants and when disinclination is shown to grant any relief to applicant Nos. 1 to 7, the Application, upon instructions from the said applicants, stood dismissed as withdrawn as against applicant Nos.1 to 7. Therefore, the matter proceeded for the reliefs claimed on behalf of applicant Nos. 8 to 16.

3. Heard learned Advocate Ms. Zawre for Applicants, learned APP Mr. G.A. Kulkarni for respondent No.1 and learned Advocate

Mr. Mukul S. Kulkarni for respondent No.2. In order to cut short, it can be stated that the learned Advocates for respective parties have argued in support of their contentions.

4. Taking into consideration the scope of the Application, we are constrained to consider the role attributed to applicant Nos. 8 to 16. Respondent No.2, who has filed the FIR, in his FIR submits, after taking names of applicant Nos.8 to 16 that they had kept chaff (Bhusa) on the road which was used by the informant and then they had committed theft of said chaff by putting it in the gunny bags. Here important point is that there is no charge under Section 379 of the Indian Penal Code in which the FIR came to be registered nor even at the time of filing of the charge-sheet that Section was added. At one place the informant is saying that the said chaff was kept or stored on the road which is alleged to be used by the informant for to and fro for his land and at another place he says that the chaff was stolen. The investigation is also not from that angle. The statements of the witnesses are on the same line. Since when applicant Nos. 8 to 16 were storing chaff and when the theft was committed is not stated. The details in respect of the same are not given and it cannot be an act of a day then. The FIR and the

statements of witnesses under Section 161 of the Code of Criminal Procedure does not clarify, as to who was the owner of the said chaff i.e. from where it was procured. Unless the informant was owner of that article, there cannot be theft or taking away of that article without his consent, amounting to ingredients of offence under Section 379 of the Indian Penal Code. The other sections in which the charge-sheet is filed, are absolutely not attracted as there are no averments against these applicants amounting to ingredients of those offences.

5. In view of the above, the case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos. 8 to 16. Hence the following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No. 4 of 2022 pending before the learned Judicial Magistrate First Class, Rahata, District-Ahmednagar, arising out of the First Information Report vide Crime No. 281 of 2021 registered with Rahata Police Station, District-Ahmednagar on 23rd October 2021 for the offence punishable under Sections 354, 327, 141,

143, 147, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, Latur, stands quashed and set aside as against applicant Nos. 8 to 16 i.e.
- 8) Alka Bhausaheb Satav, 9) Someshwar Bhausaheb Satav, 10) Vaishali Someshwar Satav, 11) Mahadeo Bhausaheb Satav, 12) Vandana Mahadeo Satav, 13) Prakash Dattatray Zanan, 14) Kanchan Prakash Zanan, 15) Sampat Rambhau Jagdale and 16) Macchindra Sampat Jagdale.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/MAR25