

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 45 OF 2007

Govind Tukaram Kshirsagar

... APPLICANT

Age: 40 years, Occu. Business/Agri

r/o Purna, Taluka Purna

District Parbhani.

VERSUS

1) The State of Maharashtra
Through Secretary Home Department,
Mantralaya, Mumbai.

2) The Superintendent of Police
Parbhani, District Parbhani.

3) The Police Station Officer
Police Station Purna
Tq. Purna, Dist. Parbhani.

4) Vinodkumar Govindrao Puri
Age: 42 years, Occu. Police Constable
Police Station Purna, Tq. Purna,
Dist. Parbhani

... RESPONDENTS

Mr. Mr. N. P. Patil- Jamalpurkar Advocate for Applicant
Mr. K. M. Suryawanshi, APP for respondents 1 to 3- State

**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.**

DATE : 31st March, 2015

JUDGMENT (Per Smt. I. K. Jain, J.)

Rule. Rule is made returnable forthwith by consent of the parties. Writ Petition is heard finally.

2. Learned APP is also heard.
3. The proceeding is filed under section 482 of the Code of Criminal Procedure for quashing the FIR in Crime No. 50/2006 registered with Purna Police Station, Purna, Taluka Purna District Parbhani for the offences punishable under sections 307,353, of the Indian penal Code and Section 25(1) of the Indian Arms Act.
4. Crime is registered on the basis of report lodged by Police Constable Vinodkumar Govindrao Puri. Incident occurred on 30.04.2006. That time PC Vinodkumar was attached to Purna Police Station. At around 1.01 hours, when he was talking to Head Constable Pathan, PC Jadhav PC Shakil, PC Adode and PC Bavari in the compound of police station, petitioner Govind Tukaram Kshirsagar entered there and asked Police constable Vinodkumar reason to name him in a riot case. Govind then assaulted Vinodkumar with Jambiya (knife) and had scuffle with the other police personnels. Due to assault, Vinodkumar lodged report. On the basis of report, the above said crime was registered against the petitioner.
5. It is the case of petitioner that he is registered contractor with the Government authorities and running a shop Venkatesh Automobiles at Purna. The said shop was caught by fire with other

adjoining 4/5 shops. He sustained huge loss on account of fire. As the shop of petitioner was insured, he was to get partial reimbursement from the insurance company. It is alleged that police officers made illegal demand of money for making available the documents for getting the claim. Petitioner refused for the same. Being annoyed and having grudge, false complaint came to be filed by Police Constable Vinodkumar. Another contention of the petitioner is that he alongwith others, was produced before JMFC, Purna. He made complaint of illtreatment and assault at the hands of police. The order was passed by JMFC to record statement of petitioner and others and refer them for medical examination to civil surgeon, Parbhani. Report was to be submitted by 01.03.2006. As order of JMFC was not complied petitioner again moved the court and sought direction for medical examination. Accordingly order was issued and police were directed to submit the report of Civil Surgeon by 04.03.2006. On receipt of medical certificates dated 27.02.2006 and 03.03.2006, learned JMFC Purna registered a private complaint and issued process under section 323 of the Indian Penal Code against Police Inspector, Purna Mr. N. M. Thombre. Police were aggrieved by the said order and registration of summons case against PI, Purna and so they implicated the petitioner in a false case.

6. We have perused the papers of investigation and FIR lodged by

Police Constable Vinodkumar. Medical certificate issued by the Rural Hospital Parbhani shows that complainant received injuries to right wrist and chest. FIR makes out a prima facie involvement of petitioner in the assault. Thus, it cannot be said that no material exists against the petitioner and false allegations are made against him. In this view of the matter, we hold that it is not a fit case to exercise the writ jurisdiction.

7. In the result, petition stands dismissed. Rule is discharged.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC