

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1614 OF 2015

Shaikh Farahtullah s/o. Sk. Ajmat
and others

....Applicants.

Versus

The State of Maharashtra & Ors.

....Respondents.

Mr. S.W. Munde, Advocate for applicants.

Mr. S.B. Pulkundwar, APP for State.

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

DATED : 17th April, 2015.

ORDER :

1. The application is made for quashing of the F.I.R. No. 13/2015 registered at Shirsala Police Station, District Beed for the offence punishable under section 447 of I.P.C. Heard the learned counsel for applicants. In view of the record available, no need was felt to issue notice to other side.

2. It appears that the crime is registered on the basis of report given by Gram-Sevak of village Panchayat Shirsala. On Government land, some persons have made encroachment. There is allegation that applicants have made trespass on the

Government land and they are making construction and so, there is offence of trespass. The report is given as against six persons.

3. The learned counsel for applicants submitted that applicants and others are living there for many years though it is a Government land and they are even paying the house tax to Village Panchayat. It appears that many persons, who have made encroachment and construction are Members of Village Panchayat. Due to this circumstance, they could create some record of possession also and payment of house tax etc. It is unfortunate that the Members of Village Panchayat are involved in such illegal activities. The report is given to police and it is up to the police to make investigation. The authority is expected to take action against Members of Village Panchayat, if they are not abiding by law and they are encroaching on the Government property illegally. Admittedly, present applicants are not the owners of the said property and that land belongs to Government.

4. The learned counsel for the applicants placed reliance on the case reported as **2014 (4) Bom.C.R. (Cri.) 777 [Shrikant Purshottam Paranjape and Ors. Vs. State of**

Maharashtra and Anr.]. The observations made by this Court, the learned Single Judge were in different context. In view of the position which the applicants and others are holding and nature of allegations, this Court holds that it is not possible to quash and set aside the aforesaid F.I.R. which is given by public servant.

5. In the result, the application stands dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

SSC/