

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

CRIMINAL WRIT PETITION NO. 661 OF 2014

Nilkant s/o. Dnyandeo Kare,
Age 43 years, Occu. Government Service,
Now working as District Deputy Registrar
at Buldhana, At present Tq. & Dist.
Buldhana.

....Petitioner.

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralaya,
Mumbai.
2. The Police Sub-Inspector/
Investigating Officer, Zilla Peth
Police Station, Jalgaon.
3. Smt. Jaishree Vasant Dhumal,
Age 60 years, Occu. Agri.,
R/o. Chincholi, Tq. Jalgaon,
Dist. Jalgaon.

....Respondents.

Mr. Vikram R. Dhorde, Advocate for petitioner.

Mr. S.B. Pulkundwar, AGP for respondent Nos. 1 and 2.

Mr. V.D. Hon, Senior Counsel for respondent Nos. 3.

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

DATED : 9th April, 2015.

JUDGMENT :

- 1) Rule. Rule made returnable forthwith. By consent,
heard both the sides for final disposal.
- 2) The proceeding is filed for quashing and setting

aside the order made by the learned Judicial Magistrate, First Class, Jalgaon in a private complaint filed by respondent No. 3 and also the F.I.R. registered on the basis of order made by learned J.M.F.C., Jalgaon under section 156 (3) of Cr.P.C.

3) There was some dispute over the management of Maratha Vidya Prasarak Sahakari Samaj Education Institution, Jalgaon. Complainant Jaishree Dhumal is a Member of this Institution. Present petitioner is appointed as the President of the Administrative Committee appointed by Deputy Registrar of Co-operative Societies, Jalgaon. There are also two other members of this Committee, who are Assistant Registrars. Petitioner is working as Deputy Registrar of Tahsil Jalgaon and as the President of the Committee he has been managing the affairs of the aforesaid Institution since December 2011. The persons, who were managing the Institution in the past, have created dispute with this Committee. They had even attempted to hold elections even when the aforesaid action was taken by the authority. The complainant has made allegations in the complaint that on 14.4.2013 when she learnt that one meeting was called by the present petitioner, she decided to attend the meeting. It is her case that she actually attended the meeting, but no decision as such was taken in the meeting and even the

proceedings were not read. She has contended that the Administrative Committee did not give reply to the questions asked and they left the place. It is her case that she and some other lady members then went to the place where the Members of the Administrative Committee were sitting. It is her case that when they started questioning, the present petitioner and other members of the Committee became angry. She has made allegations that petitioner made some gestures which were not decent. He virtually pushed aside the complainant and then gave directions to his men, who include one Dagaji Damodar Bacchav, to drive these ladies out of the office. She has made allegations that the said Bacchav misbehaved with her. However, it is her case that the representation was accepted by the petitioner on that day. It is her allegation that the offences punishable under sections 354, 323, 504, 506 and 34 of Indian Penal Code are committed by the present petitioner and other persons.

4) The petitioner has produced the record to show the nature of dispute. There is also the record to show that he was required to file complaint against the persons, who were controlling the Institution in the past as they had tried to create false record to show that they were controlling the Institution.

The learned Chief Judicial Magistrate has passed order of investigation and that order was made on 24.1.2013. The record is produced to show that one Mahendra Bhoite, who was the Director of the Institution in the past, had given complaint against petitioner and other members of the Committee. But, the learned J.M.F.C. refused to sent the matter for investigation and complaint came to be dismissed on 12.4.2013. The record is produced to show that on 14.4.2013 the complainant had approached Sub Divisional Police Officer and she had given complaint, in which vague allegations were made against the petitioners and others and the grievance was expressed that they were virtually driven out of that place. There is copy of representation showing that on 14.4.2013 grievance was expressed by giving representation that their objections were not accepted in the meeting and the complainant had informed that by way of protest and for asking the authority to take action, she was going on fast. Thus, initially, immediately on 14.4.2013 no specific allegations were made against the present petitioner. There are photographs showing that the meeting was actually held and it was attended by many persons.

5) The record collected during investigation and the aforesaid circumstances show that giving of the complaint by

respondent No. 3 against the petitioner is nothing but pressure tactics. No allegation was made that the petitioner has committed the offence punishable under section 354 of I.P.C. when the complaint was given to Sub Divisional Officer. Allowing to proceed ahead against the petitioner will amount to abuses of process of law. He is appointed as Administrator and he has been working as such for many years now. Protection needs to be given to such person who is also public servant. Considering the modus operandi of complainant, aforesaid record, this Court holds that the F.I.R. as against the present petitioner needs to be quashed and set aside.

6) In the result, the petition is allowed. The F.I.R. bearing C.R. No. 151/2013 dated 30.4.2013 registered with Zilla Peth Police Station, Jalgaon under section 354, 323, 504, 506 r/w. 34 of I.P.C. to the extent of petitioner is quashed and set aside. Rule is made absolute in aforesaid terms.

7) It is made clear that this order is not in favour of others and so, there is liberty to the investigating agency to file chargesheet, if they form such opinion against others.

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

[T.V. NALAWADE, J.]

SSC/