

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3539 OF 2015**

KISHOR S/O YADHAVRAO BORUDE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA & ANR.

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Advocate for Applicnats : Mr. J.K. Bhalmode,
APP for Respondents/State: Mr. A.V. Deshmukh

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CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.**Dated: August 3, 2015**

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PER COURT :-

This application is filed praying therein, for quashing and setting aside the F.I.R. No. I -96/2015 registered on 16/03/2015 under Sections 353, 323, 504, 507 r/w 34 of IPC with Sadar Bazar Police Station, Jalna against the applicants.

2. The learned counsel appearing for the applicants submits that, even if the allegations in the First Information Report are considered in its entirety and taken at its face value, no offence is disclosed, and therefore, the first information report deserves to be quashed.

3. On the other hand, the learned Additional Public Prosecutor appearing for the Respondent/State submits that, when the complainant and his other colleague, who are Government servants, while discharging

their official duties to remove encroachment, the present applicants interfered in the said work and also abused the complainant and his other colleagues. Therefore, he submits that, the first information report needs investigation and this Court may not entertain the prayer of the applicants.

4. We have heard the learned counsel appearing for the applicants and the learned Additional Public Prosecutor appearing for the Respondent/State. We have perused the allegations in the first information report. The said allegations discloses offences, which need investigation. Upon careful perusal of the allegations in the first information report, it is abundantly clear that, the applicants were interfering in the official work undertaken by the complainant to remove the encroachment. It further appears that, the applicants have abused and assaulted the complainant and his others colleagues, and therefore, the allegations need investigation. No case is made out for quashing the first information report. The application sans merits, hence rejected.

(**A. I. S. CHEEMA, J.)**

(**S.S. SHINDE, J.)**