

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.857 OF 2015

Parmeshwar Haridas Choutmol,
Age-37 years, Occu:Labour,
R/o-Mahora, Tq-Jafrabad,
Dist-Jalna.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through the Secretary for
Home Department, Mantralaya,
Mumbai,
- 2) The Police Commissioner,
Aurangabad,
- 3) The Incharge Officer,
Traffic Branch, Chhawani Division,
Aurangabad City Police, Aurangabad.

...RESPONDENTS

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Mr. P.V. Barde Advocate h/f. Mr. Bhushan
S. Borde Advocate for Petitioner.
Mr. B.L. Dhus, A.P.P. for Respondents.

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**CORAM: A.B. CHAUDHARI AND
INDIRA K. JAIN, JJ.**

DATE : 30TH SEPTEMBER, 2015

ORDER :

1. Following are the prayer clauses 'A]' and 'B]' in the Writ Petition:-

"A] By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ, the Hon'ble High Court may be pleased to direct the respondent No.1 to conduct an enquiry in respect of incident dated 02.07.2015 occurred in front of Hospital of Government Medical College, Aurangabad; and inflict a serve punishment on erring police authorities;

B] By issuing appropriate writ, order, direction or any other appropriate order in the nature of writ, Hon'ble High Court may be pleased to grant compensation of Rs.5,00,000/- to the petitioner."

2. We have perused the enquiry report submitted by the Deputy Commissioner of Police so also the affidavit filed by the Commissioner of Police. From the enquiry report as well as the affidavit, we are satisfied that no fault could be found against the police authorities who had gone for removing the encroachment on the road. Making of encroachment and resistance while same being removed, is the order of the day and when police just uses some force, the encroachers or their sympathizers oppose by making complaints like the one in hand.

3. In this case the Petitioner is alleged to have been photographing the action of the police in removing encroachment from the road and despite the warning to stop in doing so, he used filthy language against the police officers and did not stop his activities.

4. We do not find any substance in the Petition. We therefore, dismiss the Writ Petition with cost of Rs.1000/- (Rupees One Thousand) to be paid to the office of the Commissioner of Police, Aurangabad.

[INDIRA K. JAIN, J.]

asb/SEP15

[A.B. CHAUDHARI, J.]