

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1029 OF 2015

SARANGDHAR S/O MURLIDHAR LODHE
VERSUS
THE STATE OF MAHARASHTRA & ORS

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Advocate for Petitioner : Mr T S Lodhe
APP for Respondents: Mr A S Shinde

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: November 23, 2015

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PER COURT :-

1. The present petition is filed for quashing of the complaint bearing C.R. No.169/2015 registered with Gramin Police Station, Bidkin under sections 420, 463, 464, 466, 468, 469, 470, 471, 504, 506, 34 of the Indian Penal Code. The allegations of the complainant are that, the present applicant alongwith other two accused persons have conspired with each other and thereafter so as to deprive the complainant of his gala no.29 received from the Government on account of his shop being burnt in the riot of 1988, forged the government papers and threatened the complainant.
2. Respondent no.3 though served, none appears for respondent no.3.
3. It is submitted that at the relevant date, present petitioner was not working as Gramsevak. The petitioner

was given additional charge of village Bidkin as Gramsevak on 2.1.2013 and alleged entry was not taken when the petitioner was holding the charge. The petitioner has only issued certified copy.

4. The learned APP on instructions submits that village development officer has communicated to the police superintendent that, on or about 29.4.2011 some another person was the person who was holding the charge and mutation entry no.296 and 297 had not taken place when the petitioner was holding the charge. The petitioner being Gramsevak is bound to issue certified copies during his tenure. Present petitioner has taken additional charge as Gramsevak of village Bidkin on 2.1.2013, whereas mutation entry has taken earlier i.e. on 29.4.2011.

5. Considering the fact that, the petitioner, at the relevant time, i.e. on 29.4.2011 was not working as Gramsevak of village Bidkin, the present petitioner can by no stretch of imagination be made liable for the offence alleged in the FIR.

6. Considering the above, C.R.No.169/2015 registered with Gramin Police Station, Bidkin under sections 420, 463, 464, 466, 468, 469, 470, 471, 504, 506, 34 of the Indian

Penal Code dated 25.3.2015 is quashed and set aside to the extent of present petitioner.

7. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-