

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4856 OF 2015

NIVRUTI RAMCHANDRA KAWADE
VERSUS
THE STATE OF MAHARASHTRA.

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Advocate for Applicants : Mr. R.A. Jaiswal h/f Mr. Bhutekar Rahul U
APP for Respondent No.1: Mr. A.G. Magre

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 26th NOVEMBER, 2015

P.C. :-

1. The present application is made for quashing of crime No. 297 of 2014 dated 3.9.2014 registered with Chalisgaon police station, District Jalgaon for the offences punishable under Sections 395, 333, 332, 143, 147, 353 of I.P.C. and under Section 37(1) (3) of Maharashtra Police Act.

2. Learned counsel submits that the applicant has nowhere referred to in the complaint nor in the statements of any of the witnesses name of the applicant is given. Learned counsel submits that the applicant is teacher by profession and he is handicapped person. He was also not present in the mob. In the complaint also a reference is made only of 15 to 20 persons wherein the name of the applicant does not appear. According to the learned counsel, the name of the applicant is roped erroneously.

3. We have heard learned A.P.P. also. Learned A.P.P. submits that

there was a mob of 15 to 20 persons and the injured witnesses have stated that an amount of Rs.63,000/- and gold chain of two tolas for Rs.60,000/- is snatched.

4. We have gone through the said statements. Upon specific question being asked to the learned A.P.P. that any injured person or any of the person has given statement as to the involvement of the present applicant. Learned A.P.P. on perusing the statements, submits that none of the persons or witnesses have referred to the involvement of the present applicant. The complaint is silent about the involvement of the present applicant for the alleged offence. When the applicant is not even remotely implicated, the registration of complaint against the present applicant as such is erroneous.

5. In the light of above, the crime No. 297 of 2014 dated 3.9.2014 registered with Chalisgaon police station, District Jalgaon for the offences punishable under Sections 395, 333, 332, 143, 147, 353 of I.P.C. and under Section 37(1) (3) of Maharashtra Police Act is quashed and set aside to the extent of the present applicant.

6. Criminal application is disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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