

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 3403 OF 2015**

|                             |                |
|-----------------------------|----------------|
| Ishwar Devram Tayade & Ors. | .. Petitioners |
| vs                          |                |
| State of Maharashtra & Anr. | .. Respondents |

Mr. Nitesh Bhutekar for the petitioners.  
Mr. R.M. Gadhavi, A.P.P. for the respondent – State.

**CORAM: MOHIT S. SHAH, C.J. &  
A.K. MENON, J.**

**DATE : 3 SEPTEMBER 2015**

**P.C.:**

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners herein have prayed for quashing the complaint being FIR No. 441 of 2015 dated 11 August 2015 lodged by Shri Sukhdev Gavai, Naib Tehsildar with the Sakinaka Police Station, Mumbai under section 482 of the Code of Criminal Procedure, 1973.

3. The allegation in the complaint is against the petitioners about obstructing the Naib Tehsildar in the work of execution of the

notice of eviction issued pursuant to the orders passed by this Court in Writ Petition No. 975 of 2010. The offending structure in question was being used as school building and the allegation is that the trustees, principal and some teachers of the school as well as the parents of some students studying in the school and the local Municipal Corporator had obstructed the Naib Tehsildar.

4. The school management had filed Chamber Summons (L) No. 333 of 2015 and in the said chamber summons, the developer has agreed to provide temporary alternative premises to the school management. The school management has accordingly shifted the school to the temporary alternative premises with an undertaking to vacate the said temporary alternative premises on or before 30 April 2016.

5. Having regard to the course of events and the fact that all that the petitioners were doing was trying to request the authorities not to take any action which would disrupt the academic studies of large number of students and having regard to the fact that the school management has handed over vacant and peaceful possession of the offending structure on 25 August 2015 and that the said offending structure has already been demolished on 28 August 2015, we do not find any element of criminality in the action of the petitioners. Accordingly the writ petition is allowed. The complaint bearing FIR No.441 of 2015 dated 11 August 2015 lodged with the

Saki Naka Police Station, Mumbai for the offences punishable under sections 143, 149, 186, 188 and 341 of IPC is hereby quashed and set aside.

**CHIEF JUSTICE**

**(A.K. MENON, J.)**