

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

**CRIMINAL APPLICATION NO. 420 OF 2015.**

Anil Shamsundar Agre ..vs.. State of Mah. and anr.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Mr.Mahesh Rai, Adv. for the petitioner.  
Mr.S.M.Ukey, APP for the State.

**CORAM : B.P.DHARMADHIKARI AND  
P.N.DESHMUKH, JJ.**

**DATED : JULY 13, 2015.**

Heard.

Submission is, as applicant has filed complaints against respondent no.2 pointing out omission and negligence on his part for not taking action against various vehicles in accordance with the provisions of Motor Vehicles Act, out of grudge and with malice, a false complaint has been filed by that person on 13<sup>th</sup> of May, 2015 against the applicant.

Advocate Rai submits that when applicant himself has been insisting for taking action against wrong doers, there is no question of applicant trying to shelter such offenders. He further states that the vehicles mentioned in FIR are not of applicant or of his relative. As such, contentions that applicant brought pressure on respondent no.2 not to take action against those vehicles is absurd.

He is relying upon Guidelines Nos.5 and 7 in the judgment of Hon'ble Apex Court reported in **AIR 1992 SC 604** (**State of Haryana ..vs.. Bhajanlal and ors.**).

Learned Additional Public Prosecutor for respondent no.1 submits that as yet facts are to be crystallized and only issue is whether report as alleged makes out offence. He, therefore, has taken us through the report.

We have perused the report dated 13<sup>th</sup> of May, 2015. At this stage, we are not in position to hold that the report has been lodged with some oblique motive or with a view to victimize the applicant.

The guidelines on which Advocate Mr.Rai has placed reliance, therefore, cannot be made applicable here.

However, without recording any final findings on this and keeping all contentions of applicant open and with liberty to applicant to raise the same at appropriate juncture in appropriate court, according to law, we dispose of the application.

No costs.

JUDGE

JUDGE

*Chute.*