

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 454 OF 2016

RAGHUNATH MAHADU KOTKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicants : Mr. Jadhavar Santosh S.
APP for Respondents: Mrs. P.V. Diggikar
Advocate for Respondents : Mr. R.D. Sanap

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**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 29th JUNE, 2016

P.C. :-

1. Heard. Perused the contents of application and the complaint.
2. The applicants are seeking quashing of Crime No. 60 of 2015 registered at Sangamner Taluka Police station, District Ahmednagar for the offences punishable under Sections 427, 435, 436, 506 and 120-B r.w. 34 of I.P.C. and also under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. According to the complainant, the incident took place on 9.9.2014. It was alleged in the complaint that during the night at about 3.30 a.m. the applicant-accused came to his tin shed, first abuses him on the basis of his caste and then whispered that they would set fire to his tin shed and thereafter they set on fire and they left.

3. The complaint of this incident was made for the first time in the month of April, 2015. It was a private complaint made to the criminal court. The learned Magistrate, thereafter initiated investigation by order dated 6.4.2015. Thereafter, the investigation was started. During investigation panchnama was recorded in which it was mentioned that tin shed bore some marks of arson. It is also mentioned that part of tin shed was reconstructed with new material. In view of this finding recorded during investigation, we have no hesitation to come to the conclusion that entire complaint is figment of lie. The complainant mentioned in the F.I.R. that initially he was abused on the basis of the his caste and in the next breath he said that assailants started whispering and then set his tin shed on fire. It is not stated that because of abuses, the members of public gathered around the incident etc. The description of incident clearly shows that a false complaint was lodged that too after seven month of the incident.

4. For the aforesaid reasons, we are convinced that we can exercise our discretionary powers under Section 482 of Cr.P.C. for quashing of complaint. Therefore, criminal application is allowed in terms of prayer clause "B" and disposed of.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

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