

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1167 OF 2010

Ganesh Shamrao Sapkale,
Age 43 years, Occu. Service,
R/o. At Post Kanalda,
Tal. and Dist. Jalgaon.

....Petitioner.

Versus

1. The State of Maharashtra
Through Taluka Police Station,
Jalgaon.
2. Mango Ramu Solunke,
Age 39 years, Occu. Service,
Gramsevak (V.D.O.),
Fatehpur Grampanchayat,
Tal. Jamner, District Jalgaon.

....Respondents.

Mr. Pramod P. Dhorde, Advocate for petitioner.

Mr. V.S. Badakh, APP for respondent No. 1/State.

**CORAM : T.V. NALAWADE AND
S.M. GAVHANE, JJ.**

DATED : September 07, 2017.

JUDGMENT : [PER T.V. NALAWADE, J.]

. The petition is filed for relief of quashing of F.I.R. of C.R. No. 148/2010 registered in Jalgaon Taluka Police Station, Jalgaon for the offences punishable under sections 353 etc. of Indian Penal Code ['IPC' for short]. Heard both the sides.

2. The crime was registered on the basis of report given by

Village Development Officer in respect of incident dated 29.10.2010. He has contended that the incident in question took place on 20.10.2010 between 9.30 a.m. and 12.00 noon in the office of Village Panchayat Kanalda. He has made allegations that at the time of incident when monthly meeting of Village Panchayat was going on the present petitioner entered the office without taking permission and started asking to put an end to meeting and he started asking to call Gram Sabha. It is contended that when Sarpanch said that his demand will be considered, but he should not interfere in the monthly meeting, the petitioner picked up quarrel and started giving threats. It is contended that the petitioner said that he had brought 15-20 persons to the office and he rushed at the first informant who was public servant, gave abuses and he threw the record of monthly meeting and also gave threat to the first informant. This incident was witnessed by Village Sarpanch, Up-Sarpanch and other Members of Village Panchayat. In respect of incident dated 29.10.2010 the report came to be given on 2.11.2010 and the crime came to be registered. The submissions made and the record show that now the chargesheet is filed for offences punishable under sections 353, 342, 504, 506 etc. of IPC.

3. As the chargesheet is filed, the record of investigation is available to this Court for perusal. The record contains statements of

many witnesses and their versions are consistent with the contents of F.I.R. Due to the specific allegations made in the F.I.R. and as there are many statements of the eye witnesses, it cannot be said that false allegations are made against the petitioner or that no incident did take place or that no offence is made out.

4. The learned counsel for petitioner submitted that petitioner had given a representation to Village Sarpanch and the first informant wanted that they should follow the proper procedure for giving no objection of villagers in respect of auction of sand. He submitted that petitioner had made allegation that on 15th August 2010 signatures of the villagers were obtained who had attended the flag hoisting ceremony and false proceeding was created of Gram Sabha. The learned counsel submitted that the representation was given on 29.10.2010 and the incident is also shown to have taken place on the same date. He then drew the attention of this Court to the correspondence made by the first informant to the Commissioner of Jalgaon, who is the employer of the first informant. He submitted that in the letter sent to the Commissioner of Jalgaon Municipal Corporation dated 29.10.2010 the first informant had informed the Commissioner that already the report was given to police and the crime was registered. He submitted that this circumstance shows that false contentions were made against the petitioner and the

complainant's side is bent upon to teach lesson to the petitioner and only with that intention, false allegations are made against him. This Court holds that the aforesaid contentions can only be treated as defence and those contentions cannot be considered at this stage. These contentions can only be raised during trial. So, this Court holds that it cannot be said that there is no material at all against the petitioner and the petition deserves to be dismissed.

5. In the result, the petition is dismissed. Interim relief, if any, stands vacated. Rule stands discharged.

[S.M. GAVHANE, J.]

[T.V. NALAWADE, J.]

ssc/