

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

CRIMINAL APPLICATION (APL) NO.761/2016

Rambhau Krishnarao Raut

...Versus...

The State of Maharashtra, through the Police Station Officer, Police Station Ram Nagar, Chandrapur, District : Chandrapur and another

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

Court's or Judge's orders

Shri S.P. Bhandarkar, Advocate for applicant
Mrs. S.S. Jachak, APP for non-applicant no.1
Shri A.B. Tikle, Advocate for non-applicant no.2

**CORAM : PRASANNA B. VARALE AND
ARUN D. UPADHYE, JJ.**

DATE : 14.11.2017

1. Heard.
2. The applicant is before this Court seeking quashment of the report lodged at Police Station, Chandrapur at the instance of the non-applicant no.2 on 5/10/2016 for the offences punishable under Sections 294 and 506 of Indian Penal Code.
3. Learned Counsel for the applicant invited our attention to the report which is placed on record and the photographs which are at Annexure- C. Submission of the learned Counsel for the applicant is that non-applicant no.2 is on cross-terms with the applicant as there were certain elections contested between these parties. He then submitted that a tree is next to the compound wall of the premises of the applicant and with the permission from the appropriate authorities certain

branches of the tree were cut so as to avoid inconvenience. It was then the submission of the learned Counsel for the applicant that false allegations are levelled against the applicant that the applicant abused the non-applicant no.2. The submission of the learned Counsel for the applicant is that as the report is an outcome of an enmity and is used for settling the personal score the same be quashed.

4. Learned Additional Public Prosecutor for the non-applicant no.1 vehemently opposed the application. Learned Additional Public Prosecutor submitted that on receipt of the report, the investigating agency was set in motion and there is material in support of the statements in the report, namely, there was a dispute between the parties on account of tree. The learned Additional Public Prosecutor submitted that the investigation is in progress and the same would be completed within the shortest possible time. The learned Additional Public Prosecutor on relying on the affidavit-in-reply submitted that the act of the applicant of cutting tree was without due permission from the competent authority.

5. Learned Counsel for the applicant submitted that cutting of tree was with the permission of the competent authority. A statement is made in the reply that the Tree Officer categorically denied about the grant of permission for cutting the branches from his office sitting in the premises of the office of the Assistant Charity Commissioner, Chandrapur. It is settled position of law that this Court while considering the prayer for quashing the F.I.R. is not expected to scrutinize and assess the material as if this Court is conducting a trial.

6. In view of the above referred facts, in our opinion, the ends of justice would be met by disposing the application with a direction to the investigating agency to complete the exercise of filing charge-sheet as expeditiously as possible. On filing the charge-sheet, the applicant by availing the remedy, may approach the appropriate Court seeking discharge, if so advised. If there is no material against the applicant, the investigating agency can accordingly take necessary steps including filing the summery reports. As the applicant is protected by interim order of this Court dated 27/10/2016, continuation of the interim order till filing of the charge-sheet by investigating agency would not cause any prejudice to the non-applicant no.2. Resultantly, the criminal application is disposed of with a direction to the non-applicant no.1 to file charge-sheet as expeditiously as possible with liberty to the applicant, in case the charge-sheet is filed, to approach the appropriate Court seeking discharge, if so advised. Interim protection granted to the applicant to continue till the non-applicant no.1 files the charge-sheet before the appropriate Court.

The criminal application stands disposed of.

JUDGE

JUDGE