

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 612 OF 2018

Omprakash S/o Vikramrao Dahiphale,
Age: 43 years, Occu. Service,
R/o. Bhagwan Nagar, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.

... **APPLICANT**

VERSUS

- 1) The Police Inspector,
Pathardi Police Station, Pathardi,
Tq. Pathardi, Dist. Ahmednagar.
- 2) Varsha w/o Mughatrao Ghorpade/Pathak,
Age: 32 yrs, Occ. Service,
R/o. Tanpurwadi, Tq. Pathardi,
Dist. Ahmednagar.

... **RESPONDENTS**

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Mr. Mahesh S. Taur, Advocate for Applicant.

Mr. S. J. Salgare, APP for Respondent/State.

Mr. Narayan B. Narwade, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 07th September, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard

both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.10 of 2018, registered with Pathardi Police Station, District Ahmednagar, for the offences punishable under Sections 353, 506 and 509 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2, who was working as conductor with MSRTC. She has contended that in the incident dated 10th January, 2018, at about 08:00 am, the present Applicant picked up quarrel with her when she was giving tickets to the passengers. She has contended that the Applicant was having pass of three months, but due to the nature of pass which he was using, it was necessary for him to pay Rs.6/- as additional charges, but he refused to give amount and gave abuses to her and that was interference in discharge of her duties. Report was given on the same day and crime came to be registered.

4 The learned counsel for Applicant has produced copy of communication made by the Divisional Controller dated 25th August,

2018. The other record shows that on 26th December, 2017, Applicant had given complaint against the conductor, who was also a lady conductor that she was taking Rs.6/- as excess amount even when for special bus, amount of Rs.5/- needs to be collected. Communication shows that MSRTC made inquiry and held guilty the then conductor and also superior officer, superintendent and penalty was imposed on them. It was informed that it was found that excess amount was collected as per the contention of the Applicant. The learned counsel for Applicant drew the attention of this Court to the tickets, which were purchased when even the Applicant was having monthly pass and they show that on many occasions amount of Rs.5/- was taken and on some occasions amount of Rs.6/- was taken. Now there is communication of the MSRTC showing that only Rs.5/- could have been taken as excess amount, but Respondent No.2 was insisting for paying of Rs.6/- as excess amount. It can be said that it was necessary for the first informant to take the Applicant to the superior officer to verify the things. Such thing was not done. But FIR was given by the lady conductor. This was not proper approach on the part of the conductor. It was submitted for the first informant that the Applicant ought not to have behaved in such a manner with lady

conductor. This contention cannot be accepted. Even the lady conductor is expected to see that no grievance is left with the passenger and if he has grievance of such nature, she should consult with the superior officer. When, admittedly, only Rs.5/- could have been taken by her as excess amount, she was asking to pay Rs.6/-. In view of these circumstances, this Court holds that there is apparent exaggeration of things made by the Respondent No.2 and relief needs to be granted to the Applicant. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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