IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 928 OF 2018

Siddhant s/o Ramesh Gore ...Petitioner

Versus

The State of Maharashtra and others ...Respondents

Mr. N. L. Jadhav, Advocate for petitioner.
Ms. P. V. Diggikar, Addl. Public Prosecutor, for respondents/ State.

WITH
CRIMINAL APPLICATION NO. 1369 OF 2018

Rekha d/o Ramesh Gore ...applicant

Versus

The State of Maharashtra and Another ...Respondents

Mr.V. D. Gunale, Advocate for applicant.
Ms. P. V. Diggikar, Addl. Public Prosecutor, for respondents/ State.

CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.
DATE : 07-09-2018.

<u>ORAL JUDGMENT</u> : (Per T. V. NALAWADE, J.)

1. Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. First proceeding is filed under Article 226 of the Constitution of India and Section 428 of Code of Criminal procedure for relief of

quashing of proceeding bearing Summary Criminal Case No. 1435 of 2018 filed against the petitioners of both proceedings, for offence punishable under Section 341, 294, 427, 504, 506, 353, 354 read with 34 of the Indian Penal Code, and it is pending in the Court of Judicial Magistrate First Class, Beed. The petitioner for the second proceeding is the sister of petitioner for the first proceeding.

3. The report was given by one Shaikh Gafar who was Police Inspector of Reserved Police and he was posted in headquarters, Beed. He has made allegation that, incident dated 17-04-2018 at about 20.45 hours when he heard the noise of shouting etc., he went towards the main building of the Headquarter and he noticed that, Siddhant, the petitioner was under influence of liquor and he was giving abuses to almost everybody, and he was using filthy language. He learn that, Siddhant had causes damage to the Government property by taking the motorcycle into his office. After seeing the first informant, he gave abuses in filthy language to the first informant, and he misbehaved by doing other things. Many persons including police constables were present there, they tried to pacify him but he was not in position to listen as he was under influence of liquor. On that day report was not given. Again on 20-04-2018 the petitioner intercepted the first informant and again gave abuses and gave threat of life by saying that duty should not be assigned to him and his sister who were working in the same

office. Report was then given on 20-04-2018.

4. It is also submitted that, only one lady police officer has given statement that, when the incident was almost over the applicant for second proceeding arrived at the spot and she gave abuses to that lady police officer. There is no other witness saying that applicant from the second proceeding gave abuses to lady police officer when the incident was going on. Some statements are there showing that, when the incident was over, she came there but those witnesses are not saying that she misbehaved. Apparently there is no dispute between applicant Rekha and Bidkar, but such record is created. Due to to all these circumstances this Court hold that, leave needs to be granted to the applicant of proceeding No. 1369 of 2018 and the same is allowed. Relief is granted to her in terms of prayer Clause "C-1".

5. The writ petition filed by Siddhant stands dismissed. Rule made absolute in proceedings No. 1369 of 2018 and rule discharged in Writ Petition No. 928 of 2018. Appeal and application are disposed of accordingly.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.