

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

CRIMINAL WRIT PETITION NO. 703 OF 2008

Sambhaji s/o. Govindrao Jadhav,
Age 37 years, Occu. Social Worker,
R/o. Taroda Naka, Nanded,
Taluka and District Nanded.

....Petitioner.

Versus

1. The State of Maharashtra,
through Police Station,
Bhagya Nagar, Nanded.
2. Rajkumar s/o. Motilal Shah,
Age 65 years, Occu. Contractor,
R/o. Nilgiri Society, Nanded,
Dist. Nanded.

....Respondents.

Mr. N.P. Patil, Advocate for applicant.

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

**CORAM : T.V. NALAWADE AND
K.L. WADANE, JJ.
DATED : 02/08/2018.**

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

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

2) The application is filed under section 482 of Criminal Procedure Code for relief of quashing of F.I.R. No. 187/2008 registered with Bhagyanagar Police Station, Nanded for offences

punishable under sections 385, 387, 447, 506, 34 etc. of Indian Penal Code and section 3 r/w. 25 of Arms Act. Both the sides are heard.

3) The F.I.R. is given by respondent No. 2. He has made allegations against the applicant that on 25.6.2008 at about 00.15 hours when he was present in his house and when he was sleeping, somebody knocked the door. It is his contention that when he woke up, he realised that two persons were there and they had already broken the door of window. They gave threat and asked him to open the door. He put on the lights and saw the two persons. They introduced themselves by giving their names and applicant was one of them. Allegations are made that present applicant asked the first informant to give Rs.10,000/-. The first informant said that he was not having said money. Allegations are made that the other person viz. Ravi then showed pistol to him and gave threat of finishing him by using pistol. It is the case of first informant that he started shouting and then they rushed away. This incident was witnessed by one employee of the first informant.

4) Reply affidavit is filed to show that there is sufficient material against the present applicant. It was submitted that there are many offences registered against him like C.R. Nos. 140/99,

141/99, 142/99, 177/07 and 333/2007. Offences are registered under sections 377, 366, 294, 452 etc. of IPC.

5) The material collected by police shows that there is sufficient material to make out prima facie case against the applicant. The learned counsel for the applicant submitted that the applicant is social worker, whistle blower and he had given complaints against some contractors to expose them, the contractors have hatched conspiracy and F.I.R. is given to pressurise him. This submission cannot be accepted as it is and it can be considered by the Trial Court while appreciating the evidence which can be given against the present applicant. The first informant is a contractor, but that does not mean that such contention made by applicant at this stage can be considered. There is no other record to show that against the first informant any complaint was given and he had sustained some loss due to the action of present applicant. In the result, the application stands rejected. Interim relief is vacated. Rule stands discharged.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]

ssc/