

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

CRIMINAL APPLICATION NO. 1933 OF 2018

Dr. Arun s/o Damodhar Jarhad,
Age : 43 years, Occu. Service,
Tahsildar, Tahsil Office, Khultabad,
R/o. At post, Khultabad, Near Tahsil Office,
Khultabad, Tq. Khultabad, Dist. Aurangabad.

... **APPLICANT**

VERSUS

- 1] The State of Maharashtra,
Through Police Station, Khultabad,
Tq. Khultabad, Dist. Aurangabad.
- 2] Deputy Superintendent of Police,
Investigation Officer,
Kannad, Tq. Kannad, Dist. Aurangabad.
- 3] Mangalbai w/o Dilip Bankar,
Age : 45 years, Occu. Social Worker,
R/o. Sulibhanjan, Tq. Khultabad,
Dist. Aurangabad.

... **RESPONDENTS**

...
Mr. S. K. Shaikh, Advocate for Applicant.
Mrs. D. S. Jape, APP for Respondent Nos.1 & 2.
Mr. V. K. Bhatkar, Advocate for Respondent No.3.
...

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

DATE : 04th 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 proceeding of Criminal M.A. No.60 of 2018, which was filed before the learned Special Judge, Aurangabad and also the order made of investigation by the Special Judge under Section 156(3) of the Code of Criminal Procedure. Relief in respect of FIR No.168 of 2018, registered due to the order made by the Special Judge is also claimed.

3 Papers of investigation were made available to this Court. The complaint is filed by Respondent No.3 in respect of the incident dated 17th November, 2017. The Applicant was working as Tahsildar in Tahsil Office, Khultabad, District Aurangabad. It is contention of first informant that on that day, she had gone to the Tahsil office as she wanted to see that her name is entered in Gairan land, land Gat No.67 in cultivation column. She had already given application that she was going on hunger strike as her name was not entered. She had initially approached Sub-Divisional Officer, Kannad and then she had

gone to the office of Tahsildar. It is her contention that one Laxmibai was in her company, but she stayed outside of the office. It is her contention that when she entered the office of the present Applicant and started making inquiry as to how the name of one Vinayak Pawar was entered in the revenue record and no proper inquiry was made, the present Applicant gave abuses by taking the name of her caste, which is scheduled caste. She has contended that she was virtually driven out of the office, but at that time, the Applicant had said to her that she should come to his residential quarter and she should do the things as per his desire. It is her contention that she had approached police, but no cognizance was taken of her complaint and so, she was required to file private complaint. The private complaint came to be filed in the year 2018.

4 The submissions made and record show that inquiry was made by Sub-Divisional Officer, Kannad into the aforesaid allegations and he found that no such incident took place. He made inquiry with the staff members and others. Police papers also show that there are few statements supporting the allegations of the first informant, but there are statements of others, which are not supporting the first informant. The statements show that the quarrel had taken place in

the chamber of the Tahsildar and the first informant was talking to the Tahsildar in loud voice as she had some grievance in respect of taking the entry of aforesaid person in the revenue record. Copy of litigation between the said person with one Sunil Ghusale is produced on record and the record shows that suit bearing R.C.S. No.2 of 2017 was filed on 4th January, 2017. In any case, it can be said that the first informant was interested in getting her name entered in Gairan in crop cultivation column and the revenue authority was not ready to do so. In view of the nature of allegations, this Court holds that there is possibility of false implication to pressurize the revenue officers. It will be abuse of process of law if the Applicant is asked to face the trial for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clauses (C) and (D).
- III. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]