

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

CRIMINAL APPLICATION NO. 3052 OF 2018

1. Kakaji s/o. Gangadhar Bhalerao,
Age 34 years, Occu. Service,
R/o. Sillod, Tq. Sillod,
Dist. Aurangabad.
2. Anil s/o. Wamanrao Bankar,
Age 45 years, Occu. Service,
R/o. Safepoor, at post Pishor,
Tq. Kannad, Dist. Aurangabad.

....Applicants.

Versus

1. The State of Mahaashtra,
Through the Investigating Officer,
Pishor Police Station,
Tq. Kannad, Dit. Aurangabad.
2. Mangal D/o. Ramdas Tribhuwan,
Age 18 years, Occu. Education,
R/o. Lalwan, Tq. Phulambri,
Dist. Aurangabad.

....Respondents.

Mr. M.B. Sandanshiv, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondent No. 1/State.

Mr. A.L. Kanade, Advocate for respondent No. 2.

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 07/12/2018.**

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

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

2) The proceeding is filed under section 482 of Criminal Procedure Code for relief of quashing and setting aside C.R.No. 176/2018 registered with Pishor Police Station, District Aurangabad for offences punishable under sections 354, 346(B), 506, 34 etc. of Indian Penal Code.

3) The crime is registered on the basis of report given by respondent No. 2, a girl aged about 18 years. She has made allegations against the present applicants, who are employees of the Forest Department that on 11.8.2018 after 10.00 a.m. the applicants entered land Gat No. 32 where she was working as that land was cultivated by her family and the applicants started causing damage to Bajara crop. She has contended that when she requested the applicants not to do so, the applicants held her and they virtually touched her chest and they misbehaved with her. Allegations are made that then the applicants made her to fall on the ground and they pulled less of her Salwar and tried to do more acts, but she somehow escaped and ran away. The report came to be given on 14.8.2018 and the crime came to be registered for aforesaid offences.

4) The learned counsel for the applicants took this Court through some correspondence of the office and action taken by

office in the past. It is not disputed that land Gat No. 32 belongs to Forest Department. Family of the first informant had made encroachment over this land and when the Forest Department took steps for removal of encroachment, civil suit was filed. The civil suit came to be dismissed. As the family of the first informant continued the illegal activity and as they were obstructing the work of public servants report was given against them on 17.3.2017 and crime was registered for offences punishable under sections 353 etc. of IPC. Even after that also, similar offence was registered on 1.7.2017 (C.R. No. 245/17). In the F.I.R. dated 1.7.2017 allegations were made that tree plantation done by the Forest Department was destroyed by the family of the applicants and then they had tried to cultivate that portion. There is voluminous record showing that the family of the first informant was continuously harassing the public servants and they were giving threat to use the caste card. Ultimately, to pressurize the applicants and other officers, they gave the report of aforesaid nature.

5) There is record of revenue showing that the land belongs to Forest Department. The papers of investigation show that during investigation, the members of the family of the first informant agreed not to cause further damage to the tree plantation done by the Forest Department. In view of these circumstances, this Court

holds that it will be abuse of process of law if the applicants are made to face the trial for aforesaid offences. F.I.R. was given late and there is nothing to corroborate the allegations. In the result, the application is allowed. Relief is granted to the applicants in terms of prayer clause 'B'. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/