

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**Criminal Writ Petition No.1521 of 2018
With
Criminal Application No.3833 of 2019**

* Dhanraj Shivraj Dhumale,
Age 40 years,
Occupation Service as
Assistant Teacher,
R/o. Kumarswami Nagar,
Shirur Anantpal,
Taluka Shirur Anantpal,
District Latur. **.. Petitioner.**

Versus

- 1) The State of Maharashtra
Through Police Inspector,
Police Station, Chakur,
Taluka Chakur, Dist Latur.
- 2) Rajendra Vishwanathrao Kure,
Age 40 years,
Occupation : Service as
Headmaster, Lalbahaddur
Shastri Secondary School,
Shastrinagar, Sugar Factory,
Nalegaon, Taluka Chakur,
District Latur. **.. Respondents.**

Shri. V.D. Gunale, Advocate, for petitioner.

Smt. V.N. Patil-Jadhav, Additional Public Prosecutor, for
respondent No.1.

Shri. Girish L. Awale, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

Date: 09 DECEMBER 2019

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

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

2) The present proceeding is filed for the relief of quashing of FIR No.319/2016 registered with Chakur Police Station, District Latur for offences punishable under sections 294, 506 of the Indian Penal Code. Relief is also claimed for quashing of the case, charge sheet itself. The crime is registered on the basis of report given by respondent No.2 - Rajendra Kure.

3) In the FIR respondent No.2 has contended that in the incident dated 15-10-2016 at 12.40 p.m. when he was present in his office, the petitioner Dhanraj Dhumale, who was working as primary teacher in the school of the said institution came to his office and gave abuses to him in filthy language. He has contended that threats of life were also given to him. It is contended that he had come

there to make inquiry regarding income tax refund to which he was entitled. It is contended that when petitioner went to fetch some weapon like wooden plank, other employees from the school somehow held him and separated and saved the informant. In respect of the incident dated 15-10-2016 report was given on 23-10-2016 and the crime came to be registered.

4) The learned counsel for petitioner submitted that the petitioner had given representation to the Education Department, making complaint against the management on 19-10-2016. In the representation he had made allegation that the management and the Headmaster by name Bavage were harassing him and in the incident dated 15-10-2016 the Headmaster gave threats and abuses to him when he was requesting to supply information about the refund of income tax. He had made allegation that demand of money was made by the management in the name of building fund. He had made allegation that amount of Rs.20,000/- was already collected from him under that head. He had raised grievance that the informant was not giving account of

the amounts collected as contribution for annual gathering and also for other school items. He had informed that when he had demanded the accounts threats were given to suspend him. This representation was given on 19-10-2016. Learned counsel for the informant produced photo copy of one complaint shown to be addressed to the PSI, Police Out Post Nalegaon dated 16-10-2016. In that report the incident dated 15-10-2016 was mentioned. Learned counsel submitted that though the crime came to be registered on 23-10-2016 the report was sent to the Police Out Post on 16-10-2016. In the FIR there is no mention about receipt of said report by outpost police station.

5) The submissions made and the record show that on 19-10-2016 Block Education Officer had paid visit to the school and grievance was expressed to him by the Headmaster Bavage and Headmaster Kure and the officer had advised to close the matter by giving warning. There is another letter dated 16-10-2016 addressed to Bavage, the Headmaster of Primary School and in that communication the Headmaster was requested to see that

inquiry committee was appointed and the present petitioner - Dhumale was prevented from entering the campus of the school.

6) When the proceeding came before this Court, this Court had formed opinion that petitioner was not allowed to resume duty due to the aforesaid incident and so this Court had given direction to see that the petitioner was allowed to resume the duty. The order was made on 20-3-2019 in that regard. The management had expressed that it had no objection to allow the petitioner to resume duty. He was working as a teacher in the school. The submissions made show that for some time he was allowed to work and then again he was not allowed to resume the duty and his salary is also not paid for few months. Submission is made that there is some dispute between the petitioner and the management. Such dispute needs to be addressed by the Education Officer but it appears that the officer is not taking appropriate steps. Employees who depend fully on the salary face all kinds of problems when management stops giving salary and does not allow the employees to resume duty. If there is some

misconduct then appropriate steps like inquiry can be taken by the management and action can be taken. However, it appears that the management chose other way like giving report to police which is nothing but pressure tactics. There are allegations that the management is collecting money under different pretexts from the employees. It appears that the petitioner is not ready to give money under those heads to the management. In view of these circumstances this Court holds that it will be abuse of process of law if the petitioner is directed to face the trial for the aforesaid offences. The incident took place inside of the campus of the school. Employees, who are interested in getting salary every month do not want to raise dispute with the management and they support the management. In view of these circumstances following order is made.

7) The petition is allowed. Relief is granted in terms of prayer clause (C). Rule is made absolute in those terms. Criminal Application No.3833/2019 is disposed of.

Sd/-
(M.G. SEWLIKAR, J.)
rsl

Sd/-
(T.V. NALAWADE, J.)