

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

CRIMINAL APPLICATION NO. 304 OF 2020

Rafiuddin s/o Bashiruddin Ashrafi,
Age: 54 years, Occu: Teacher,
R/o. Jamiya Ashrafiya Nooriya,
Teachers Colony, Dargah Road,
Parbhani, Tq. & Dist. Parbhani.

... **APPLICANT**

VERSUS

The State of Maharashtra,
Through Police Inspector,
Nanalpeth Police Station,
Parbhani, Tq. & Dist. Parbhani.

... **RESPONDENT**

...
Mr. Akram Inamdar, h/f Mr. S. S. Kazi, Advocate for Applicant.

Mr. R. D. Sanap, APP for Respondent / State.

...

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

DATE : 14th February, 2020.

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

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

2 The present proceeding is filed for relief of quashing of FIR No.540 of 2019, registered with Nanalpeth Police Station, District Parbhani, for the offences punishable under Sections 188 and 353 of the Indian Penal Code, Section 7 of the Criminal Law Amendment Act and Section 135 of the Maharashtra Police Act.

3 During arguments, the learned counsel for Applicant submitted that the Applicant had left India on 11th December, 2019 for other country, Jeddah and he returned to Indian on 26th December, 2019. He submitted that when he was not present in Indian on 20th December, 2019, there was no question of his participation in the incident mentioned in FIR No.540 of 2019. In support of this contention, he has produced record like copies of passport and boarding passes. In view of the nature of record, this Court had asked the learned APP to see that the record is verified to ascertain that the Petitioner had really left the country. Such verification is done. The learned APP submitted that as on the letter head of the institution Milli Muttahida Mahaz, Parbhani, his name is shown as member of the aforesaid institution, his name was probably included and further, that must have been done on the basis of some information given by some persons. He concedes that in view of the record available, it is not possible to presume that the Petitioner was

present in the mob. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in those terms.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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