

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

CRIMINAL WRIT PETITION NO.317 OF 2017

MURLIDHAR S/O SADASHIV TAGADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Govind A. Kulkarni.
APP for Respondent/State: Mr. M. M. Nerlikar.
...

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

DATE : 20th October, 2020.

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

. The petition is filed for relief of direction to Respondents particularly Judicial Magistrate First Class, Washi to frame charge for the offence punishable under Section 307 of the Indian Penal Code in the case filed in CR No.137 of 2015, registered with Washi Police Station. Another relief is claimed like direction against the authority to start appropriate inquiry and action against the police inspector and assistant police inspector, who were connected with CR No.137 of 2015.

2 During arguments, the learned counsel for Petitioner submitted that the Petitioner is not pressing the relief mentioned in prayer clause (C) of paragraph 18 i.e. direction to Judicial Magistrate

First Class, but he is pressing the relief claimed in prayer clause (D) of paragraph 18, for action against the police officers.

3 The submissions made and record show that on 1st August, 2015, one incident of quarrel took place near Washi Bus Stand at about 05:30 pm. Both the sides gave reports against each other in respect of that incident. The report of other side was recorded first and crime came to be registered for the offence punishable under Section 324 read with 149 of the Indian Penal Code against the present Petitioner and the persons of his side and that crime was given number as CR No.135 of 2015. It is the contention of the Petitioner that he had gone to police station to give report, but his report was not recorded by the head constable Khanapure by saying that his officer, police inspector had instructed not to record statement as the crime was registered against the Petitioner for the offence punishable under Section 324 of the Indian Penal Code. It appears that on 3rd August, 2015, the crime was registered and prior to that day, he was examined in Government Hospital on 1st August, 2015. Four injuries were found on his person. It is the grievance of the Petitioner that direction was given by police inspector of that police station to the constable not to record police statement and due to that the delay was caused in registering the crime on the basis of his report. There are police papers of both the crimes and the papers show that police did not

favour any side and similar crimes were registered against both the sides. The record that the Petitioner had approached police on the day of incident, can be considered by the Trial Court and presence of the persons of the party of Petitioner on the spot will not be disputed by other side as the other side has given similar report against the present Petitioner in respect of same incident. Due to all these circumstances, this Court holds that there was no foul play or mischief on the part of the police and no such direction needs to be given. In the result, the following order is passed:

ORDER

- I. The petition stands dismissed.
- II. Show cause notice dated 14th January, 2020 is dropped.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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