

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 581 OF 2020

Suchitrabai @ Chitra w/o. Munja Thite .. Petitioner
Versus
The State of Maharashtra and others .. Respondents
...
Mr. Ravindra B. Ade, Advocate for Petitioner
Mr. S. G. Ghayal, APP for Respondent-State
...

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

DATE : 8th DECEMBER, 2020

ORDER :-

Petition is filed for relief of quashing and setting aside Crime No. 163 of 2020 registered with Jintur Police Station, District Parbhani and charge-sheet filed in that crime by the Police, which is pending in the Court of Judicial Magistrate, First Class, Jintur. The case is filed for the offences punishable under Sections 188, 294, 353, 269, 270, 504 and 506 read with Section 34 of Indian Penal Code (IPC) against the present petitioner and her husband.

2. Crime is registered on the basis of report given by Police Inspector, Jintur Police Station, District Parbhani, on 19-04-2020. He has contended that on 18-04-2020 at about 12.30 hours, when he was present in the Police Station with staff, Munja Thite, husband of the petitioner, came there with petitioner. It is the contention that there was a Muslim person inside of the Police Station at that time for giving report and Munja Thite said that Police should not accept report of said person.

As the said person wanted to give report against Munja Thite, Munja Thite went to Higher Officer and gave threat that he will teach lesson if they record the report given by said Muslim person. The report of the said Muslim came to be recorded at about 14.41 hours, and in that report Muslim person made allegations against Munja Thite that in the incident which had taken place on that day, Munja had picked-up quarrel with him after giving dash of his motorcycle to the motorcycle of said person. He had contended that threats were given and abuses were given in filthy language. On the basis of report of said person, crime No. 161 of 2020 was registered against Munja Thite for the offences punishable under Sections 294, 504 and 506 of IPC.

3. Munja Thite also gave report against said person and on that basis crime was registered against said Muslim person. It is contended by police that when the Police recorded the report of Muslim person, Munja started shouting in loud voice and he started giving threats by saying that he had already taught lesson to many police officers and he will make life of police miserable, if they record statement of the said person. Abuses were given by him in filthy language. It is contended that petitioner and her husband were not wearing the mask and even when there was prohibition to move in Jintur unless there was urgent work, they came there and they were quarreling with police. On 19-04-2020, when the informant was doing patrolling duty, Munja Thite gave call to him on mobile again and gave threat to take action against them and said that he will use his wife against them for giving report. Thus, both Munja Thite and present petitioner created show and even when on the first day no action was taken, they continued to give threats to police. Conversation

of Munja Thite made with informant on mobile phone is recorded and transcript of that conversation is produced.

4. When there was order issued by the District Magistrate to prohibit movement of persons, aforesaid incident took place. Other allegations show that there was obstruction to police in discharge of their duties, and due to this circumstance, the crime is registered for aforesaid Sections of IPC and also Section 51(b) of the Disaster Management Act, 2005. There are statements of police officers, who witnessed those incident. It cannot be said that there is no material against petitioner in the present matter.

5. Submissions made by learned APP and record produced show that against both, Munja Thite and present petitioner, many crimes are registered in Jintur Police Station from 2019 and as many as 12 crimes were registered against them. Preventive measures like starting chapter proceedings were also taken. In view of aforesaid circumstances, this Court holds that no relief can be given to the petitioner. In the result, criminal writ petition stands dismissed.

Sd./-

[M. G. SEWLIKAR]
JUDGE

Sd./-

[T. V. NALAWADE]
JUDGE

MTK