

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

942. CRIMINAL APPLICATION NO. 2068 OF 2019

1. Manish Razzak Tadavi,
age 41 years occupation service
R/o Loni Taluka Chopada Dist. Jalgaon
2. Jahangir Mahammad Tadavi,
age 42 years occupation labour
R/o Vargavhan Taluka Chopda Dist. Jalgaon
3. Farid Yasin Tadavi,
age 85 years occup. labour
R/o Mohrad Tal. Chopda Dist. Jalgaon
4. Sardar Baldar Tadavi,
age 40 years occup. labour
R/o Hambardi Tal. Yaval Dist. Jalgaon
5. Fattu Razzak Tadavi,
age 40 yers occup. labour
R/o Chunchale Tal. Yaval Dist. Jalgaon
6. Feroz Abbas Tadavi,
age 40 years occup. labour
R/o Sangwi Tal. Yaval Dist. Jalgaon
7. Shaka Salim Tadavi,
age 40 years occup. service
R/o Adawad Tal. Chopada Dist. Jalgaon
Currently under suspension – posted at –
Chalisgaon Sub-Divisional Police Officer,
Chalisgaon Tal. Chalisgaon Dist. Jalgaon
8. Suleman (Pappu) Bahadur Tadavi,
age 35 years occup. labour
R/o Adawad Tal. Chopada Dist. Jalgaon. ...Applicants

VERSUS

1. The State of Maharashtra
Through : The Secretary,
Department of Home Affairs,
Mantralaya, Mumbai.
2. The Police Inspector,
Adawad Police Station,
Adawad Taluka Chopada Dist. Jalgaon
3. Garbaz Zaga Sonawane,
age major occupation service
R/o Adawad Taluka Chopada Dist. Jalgaon ...Respondents

Mr. C.V. Dharurkar, , Advocate for applicant

Mr. S.G. Sangle, Addl. Public Prosecutor for Respts. No.1 & 2/State

Mr. G.D. Jain, Advocate for respondent No.3

CORAM : T.V. NALAWADE &

M.G. SEWLIKAR, JJ.

DATE : 5th March, 2020

J U D G M E N T (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 First Information Report No.12 of 2018 registered with Adawad Police Station Taluka Chopada Dist. Jalgaon, for the offences punishable under Sections 341, 143, 188, 502 of the Indian Penal Code and under Section 37(1)(3) of the Maharashtra Police Act,

1951. The F.I.R. is given by respondent No.2, Police Officer.

3. In the F.I.R., allegations are made by the informant that on 25th February 2018, between 2.00 pm and 7.30 pm, the applicants illegally gathered in-front of Police Station, Adawad, they obstructed the police officers and other employees from entering into the police station, they collected the mob, tried to create fear, terror and when they were asked to disperse, they did not disperse.

4. The submissions made and the record available show that one Arman Tadavi committed suicide by hanging himself. Arman was called to aforesaid police station by police as one Bebabai Wagh had given report against him on 27th February 2018. She had made the allegation that he had abused her and had given threat. N.C.R. No. 67/2018 was recorded for offences punishable under sections 504, 506 of I.P.C. against Arman Ibrahim Tadv, Ibrahim Bajit Tadv and Mangalabai Ibrahim Tadv. There is no record to show that Arman was called but the papers show that relatives of Arman were called to the police station, however, aforesaid Bebabai then submitted that they had settled the dispute and no further action needs to be taken. There is clear probability that Arman was called to police station as allegations were made against Arman by Bebabai. Ordinarily, by issuing notice under Section 160 of the

Criminal Procedure Code, Arman could have been called but no such record was created. He was called on 27th February 2018 and he committed suicide on the same day and he did not return to home after leaving the police station. Due to this incident, parents of Arman went to aforesaid police station on 28th February 2018 and they raised their grievance that the false report was given by Bebabai and Sunil Wagh against Arman, one Police Constable Gopal Patil had joined hands with them and as the police gave threats to Arman in the police station, he committed suicide. It appears that association of *Bhilla* community by name *Adwasi Tadvī Bhilla Ekta Manch*, Yaval Dist. Jalgaon, then decided to agitate for this cause of persons of *Bhilla* community and they gathered in-front of the police station. There are photographs showing that the persons of *Bhilla* community were sitting in-front of the police station. There are photographs showing that subsequently, in the police station representation was given by the relatives of Arman to police. There is nothing to show that anybody had created any trouble for anybody. The photographs do not show that the persons were sitting on the way and they obstructed any person entering or leaving the police station. There are newspapers in respect of news items showing that the persons of *Bhilla* community were agitating as they were feeling that injustice was done to them. It is a fact

that they had raised their grievance that Arman committed suicide only due to registration of N.C. against him and the circumstance that he was called in the police station for making enquiry.

5. It appears that some allegations were made against the police officers by the persons of *Bhilla* community and particularly, relatives of the deceased that they had joined hands with other family and they had taken consideration from Bebabai and Sunil Wagh. It was submitted that only due to such allegations and as persons of *Bhilla* community gathered to agitate, the crime came to be registered against present applicants.

6. The submissions made show that when promise was given to make enquiry into the allegations, they stopped their agitation. There is no allegation against them that they had caused disturbance or that they had damaged any property. Police Station is required to be kept open for 24 hours. The persons like the applicants have right to raise their grievance even against police officers if they feel that police officers are not acting fairly. Only because they gathered and sat for agitation due to feeling that injustice is being done to them, it is not proper on the part of the police to give a report against them of the aforesaid nature and file

a case against them. Human approach needs to be taken by the police. This Court holds that it will be abuse of process of law if the applicants are directed to face the trial for aforesaid offences. In the result, the application is allowed. The relief is granted in terms of Prayer Clause (B).

7. Rule is made absolute in those terms.

(M.G. SEWLIKAR)
JUDGE

(T.V. NALAWADE)
JUDGE

Madkar