

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2047 OF 2020

Mohsin s/o Afzal Shaikh

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. H.M. Shaikh, Advocate for the petitioner.

Mr. R.B. Bagul, APP for all respondents.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 1st December, 2020.

PER COURT :

1. This application is filed seeking two reliefs. Applicant wants relief to quash and set aside the order made by the Executive Magistrate under Section 111 of the Code of Criminal Procedure. Proposal is made by the police to start Chapter proceeding under Section 107 of the Code of Criminal Procedure against the applicant. The second relief sought for by the applicant is to quash First Information Report No. 432/2020 on the basis of which, crime is registered for offence punishable under Section 153A(1) and Section 505(2) of the Indian Penal Code and under Section 67 of the

Information Technology Act.

2. Only on the ground that two reliefs of two different nature are claimed in the same proceeding, this matter could have been dismissed. When show cause notice is issued under Section 111 of the Code of Criminal Procedure, it is always open for the opponent of the proceeding to appear before the Executive Magistrate and offer his say. Record shows that the present applicant had appeared before the Executive Magistrate and he had tendered the say. He was not arrested and it is his contention that the say offered by him was not accepted by the Executive Magistrate.

3. The crime is registered on the basis of report given by one police officer. Record shows that the communication dated 06.10.2020 made by the applicant to police is to the effect that he had done some video recording showing that a person was objecting Muslim women from entering one garden. That video clip was made viral on two YouTube channels. Leaned counsel for the applicant admits that the applicant had done the video recording. However, it is further submitted that he had not made viral said video clip. If the applicant had done video recording of that matter and if he feels that

some action needs to be taken against the person who was taking objection against Muslim women and was preventing them to enter the garden, he ought to have approached the police directly. The circumstance that he made viral the clip on two YouTube channels shows that he had no good intention. Apparently, his intention appears to be of creating rift between the persons of two religions. Due to this circumstance, report is given against him and crime is registered.

4. Such incidents are increasing day by day and some persons like the present applicant are trying to create rift between the persons of different religions. Due to this situation, this Court holds that there is no ground to issue notice to respondent No. 2.

5. The matter is dismissed.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb