

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2362 OF 2019

Pawan Dilip Sonwane,
Age; 28 years, Occ;
Business,
R/o; Bhavani Road, Dipak
Chauk, Tuljapur, Dist;
Osmanabad. ...Applicant

V E R S U S

- 1) The State of Maharashtra,
Through; Police Station,
Tuljapur, Dist; Osmanabad.

- 2) Sashikant Bharat Rode,
Age; 29 years, Occ; Service,
R/o; Dhekari, Tq. Tuljapur,
Dist. Osmanabad.
Now R/o; Ayodha Nagar,
Tuljapur, Tq. Tuljapur,
Dist; Osmanabad. ...Respondents

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Mr.S.J.Salunke, Advocate for the Applicant
Mrs.V.N. Patil/Jadhav, A.P.P. for the
Respondent No. 1/State
Mr.S.V.Mundhe, Advocate for Respondent No. 2.
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CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.

DATE : 6th JANUARY, 2020

ORAL JUDGMENT [PER : M.G. SEWLIKAR, J.] :

This is an application for quashing of the First Information Report (In short "F.I.R.") in Crime No. 131 of 2019, registered at Police Station, Tuljapur, District Osmanabad, for the offence punishable under Sections 353, 332 and 504 of the Indian Penal Code (In short 'I.P.C.')

2. Facts leading to this application are that respondent No. 1 is working as Electric Assistant in MSEDCL, at Tuljapur.

3. It is alleged that on 22.3.2019, the Assistant Engineer Mr. Mahesh Singh directed him, Sujit Narwade and Vitthal Dange to start recovery of outstanding electricity bills and in case of failure to pay amount, they were directed to dis-connect the electricity connection. They were given the list of

defaulters. All of them went to the house of one Deelip Sonwane who is the father of the applicant. His electricity connection was cut. This incident took place on 22.3.2019 at 12.00 noon. On 23.3.2019 at 10.30 a.m., applicant assaulted the informant/respondent No. 2 saying as to why the electricity connection was cut. At that time, the informant and other two persons were making the recovery. The applicant caught hold of the informant/respondent No. 2 by his collar and slapped him and kicked him. Therefore, F.I.R. was lodged on 23.3.2019 punishable under Sections 353, 332 and 504 of I.P.C.

4. Heard, Mr.S.J.Salunke, learned counsel for the Applicant, Mrs. V.N.Patil/Jadhav, learned A.P.P. for the Respondent No. 1/State and Mr. S.V.Mundhe, learned counsel for Respondent No. 2.

5. Mr. Salunke, learned counsel for the applicant argued that this F.I.R. has been filed to give a counter blast to the complaint filed by the father of the applicant, against the illegal dis-connection.

6. On perusal of F.I.R., it is seen that respondent No. 2 and his colleagues were effecting recovery at the time of the incident. At that time, the consumer i.e. applicant is alleged to have beaten respondent No. 2. If The alleged complaint had been filed to give a counter blast to the said complaint before the Consumer Court, respondent No. 2 would have filed it against the consumer Deelip Sonwane and not against the applicant. Therefore, it cannot be said that on the bare reading of the allegations in the F.I.R., no offence is said to have been made out. The application is therefore, bereft of any merit. Hence it is dismissed.

7. Rule is discharged.

(M.G. SEWLIKAR, J.) (T.V. NALAWADE, J.)

mahajansb/