

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

937 CRIMINAL WRIT PETITION NO.592 OF 2021

...

PRASHANT KAKASAHEB BORADE

VERSUS

THE SUPERINTENDENT OF POLICE, OSMANABAD

...

Advocate for the petitioner : Mr.S.V.Deshmukh

APP for Respondent-State : Mr.R.D.Sanap

...

CORAM : V. K. JADHAV AND

SHRIKANT D. KULKARNI, JJ.

DATE : 01.10.2021

PER COURT :

1] We have heard learned counsel for the petitioner at length.

2] We are not inclined to entertain this Writ Petition. The petitioner has complained about the incident allegedly taken place on 24.04.2021. It has been alleged that the Police Inspector, Police Station, Bhoom, Shri Khanal has demanded Rs.1 lakh to the petitioner under the pretext that he has to pass on certain amount to the Home Minister. Even it is further alleged that on 24.04.2021 at about 8.00 p.m. till 1.00 a.m. the said Police Inspector, Shri Khanal has made a scene and commotion in front of the country liquor shop of the petitioner, which is in the name of his grand father, and illegally sealed his shop.

3] We have carefully gone through the annexures so

also the pleadings in the Writ Petition. It appears that on the basis of the complaint lodged by the Police Inspector, Shri Khanal of Police Station, Bhoom, crime No.73 of 2021 came to be registered against the petitioner herein and four others for having committed offences under Sections 188, 269, 271, 290 of the IPC and Section 65 (e) of the Maharashtra Prohibition Act, 1949 and also for violation of the COVID norms. In the FIR, the time of the occurrence of the offence is mentioned as 21.30 hours on 23.04.2021.

4] Though learned counsel for the petitioner has relied upon the ratio laid down in the case of ***Lalita Kumari Vs. Govt. of U.P. & others***, reported in ***[2014] 2 SCC 1***, however, in the facts of the present case, we find that the allegations have been manifestly attended by *mala fides* and further, the allegations have been made with intention of wrecking vengeance against the Police Inspector. Even though the incident allegedly taken place on 24.04.2021 in between 8.00 p.m. to 1.00 a.m., the petitioner herein has not lodged the complaint immediately in the concerned Police Station nor approached Superintendent of Police till 28.04.2021.

5] In view of the same and considering the manner in which the allegations have been made, we are not inclined to entertain this Writ Petition. Hence, we pass the following order :

ORDER

Writ Petition is hereby dismissed.

[SHRIKANT D. KULKARNI, J.]

[V. K. JADHAV, J.]

DDC