

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

CRIMINAL APPLICATION NO.2165 OF 2020

- 1) Arpan Kamalkishor Goyal,
Age 37 yrs, Occu- Press Editor,
R/o. Swami Dyanand Road,
Sadar Bazar, Jalna.
- 2) Bharat Ganpatrao Mankar,
Age 43 yrs, Occu- Press Editor,
R/o. Plot No.3, Vidyut Colony,
Old Jalna.
- 3) Nilkanth Madhavrao Kulkarni,
Age- 50 yrs, Occu- Press Reporter,
R/o. Sorati Niwas, Ganpati Galli,
Old Jalna.
- 4) Vishnu Nivrutti Kadam,
Age- 46 yrs, Occ- Press Reporter,
R/o Mastagad, Old Jalna.

... APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Inspector,
Police Station, Chandanzira
Dist. Jalna.
- 2) The Superintendent of Police, Dist. Jalna.
- 3) Smt. Yogini w/o. Avinash Balanke, Age 43 yrs,
Dy. Regional Officer,
Maharashtra Pollution Control Circle,
M.I.D.C., Jalna. (M.S.)

... RESPONDENTS

...
Mr. H. M. Shaikh, Advocate for Applicants.

Mr. A. S. Shinde, APP for Respondent Nos.1 & 2.

Mr. Uttam B. Bondar, Advocate for Respondent No.3.

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CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 25th February, 2021.

ORDER: (Per T. V. Nalawade, J.)

. The proceeding is filed for relief of quashing of FIR No.268 of 2020, registered with Chandanzira Police Station, District Jalna, for the offences punishable under Sections 353, 504, 406, 500, 501, 502 read with 34 of the Indian Penal Code.

2 Both the sides are heard.

3 The crime is registered on the basis of report given by Respondent No.3, who was working as Sub-Divisional Officer, Maharashtra Pollution Control Board in Jalna. One incident took place in her office on 28th July, 2020 at about 02:30 pm. She has made allegations that the present Applicants entered the office and said that they were reporters and the persons working in the office should keep their official work aside and should listen whatever the reporters were saying. It is her contention that she said that they were doing the official work and it was important and so they may come after sometime. It is her contention that when she said so, the Applicants started shouting at them and the Applicants said that they wanted

some information and the information needs to be supplied immediately. It is contended that when the informant said that she wanted to go to the office of District Collector for official work immediately, they virtually prevented her by saying that she cannot be allowed to do that work and she should listen first to the reporters. It is her contention that she then advised them to give their complaint in writing, but after that also the Applicants quarreled with them in loud voice. It is contended that they behaved arrogantly, quarreled, gave abuses and created obstruction in the discharge of official duty of the informant and her staff. It is her contention that threats were given by the Applicants and then the Applicants left. It is her contention that on 29th July, 2020, a news was published in the news-papers like *Sanjwarta* and *Gokulniti* against the informant that she was not discharging her official duty. It is her contention that due to the aforesaid incident, there was obstruction in discharge of the official duty and further by publishing false news, she was defamed. It is her contention that after publishing the news in news-paper, the Applicants came to her office and they said that they had done it intentionally. She approached police to give the report on 31st July, 2020 and the crime came to be registered.

4 This Court has gone through the papers of investigation and they include the statements of staff members, who were working in

the office with the informant like Vijay Pralhad Rathod, Kalyani Jhadpinde, Dipali Lokhande, Raju More and Vijay Baburao Rathod. These statements show that such incident did take place.

5 The learned counsel for Applicants submitted that only after publishing the news item against the informant, the FIR was given and that shows that false allegations are made against the Applicants. It was submitted that in news item, the grievances of the public were published and due to that the informant became angry and then FIR was given. He submitted that if there was CCTV system in the office, the footage of that system ought to have been collected by the police and the footage, if available, will show that the Applicants did not behave in arrogant manner. The learned counsel for Applicants submitted that the Applicants had not obstructed in discharge of duty and so the relief needs to be granted.

6 The allegations made by the public servant and the statements made by the staff members are sufficient to show that there was obstruction in discharge of public duty from the Applicants. Such incidents are increasing day by day. Considering the purpose behind the provision of Section 353 of the Indian Penal Code, this Court holds that in such cases, strict action needs to be taken otherwise it will become difficult for public servants to discharge their duty. Whatever

defence the Applicants want to take, they can take during trial and it will be matter of appreciation of evidence by the Trial Court. In the result, the application stands dismissed.

ndm

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]