

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

CRIMINAL WRIT PETITION NO.6 OF 2021

1. Navnath s/o Baban Tanpure,
2. Sagar s/o Navnath Tanpure. **... Petitioners**

Versus

The State of Maharashtra and others. **... Respondents**

...
Mr. Arvind G. Ambetkar, Advocate for Petitioners.

Mr. S. J. Salgare, APP for Respondent/State.
...

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

DATE : 19th January, 2021.

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

. The petition is filed for direction to initiate inquiry against Respondent Nos.4 to 7, who are police officers of Parner Police Station, District Ahmednagar. Direction is also claimed against Respondent No.2, District Superintendent of Police, Ahmednagar to take decision on representation dated 1st June, 2020. Compensation of rupees twenty lakh is claimed from Respondent Nos.4 to 7 in respect of registration of Crime No.203 of 2018 in Parner Police Station and direction is also claimed to register the crime on the basis

of representation dated 1st June, 2020.

2 Both the sides are heard.

3 The representation dated 1st June, 2020 was given to the Collector and other officers and request was made to take action against police officers for registering crime under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and molestation punishable under Section 354 of the Indian Penal Code against the present Petitioners. They had filed Criminal Writ Petition No.301 of 2019 in this Court and in that proceeding they had prayed for quashing of F.I.R. No.203 of 2018 registered for such offences. The said petition came to be allowed on 6th March, 2020. It appears that after the decision of the criminal writ petition, the Petitioners started making allegations against police officers that they had intentionally and falsely implicated them in case of aforesaid nature.

4 Copy of decision given in Criminal Writ Petition No.301 of 2019 by this Court is on the record and it shows that a lady aged about 25 years had made allegations against the Petitioners. Report was given on 28th June, 2018 in respect of the incident dated 17th June, 2018 and in the hearing it revealed that one N.C. report was given by this lady on 17th June, 2018 and in that N.C. different kind of

allegations were made. It was noticed that some different kind of dispute was pending between the parties and apparently other kind of dispute was there between the families of informant and the Petitioners. In view of the circumstances of the matter and nature of allegations, the relief of quashing of FIR was given. These circumstances show that it cannot be said that police officers had concocted a false case against the Petitioners. In any case, it is always desirable to consider such grievance by the Civil Court as it involves factual aspects also. Only because this Court has quashed the FIR, it cannot be said that this Court should grant compensation in a proceeding like present one. In the previous proceeding in which relief was granted to the Petitioners, no such claim was made and no such claim was granted.

5 In view of the aforesaid circumstances, this Court holds that direction cannot be given to make inquiry against Respondent Nos.4 to 7 or pass order on representation dated 1st June, 2020. Similarly, this Court cannot give compensation as claimed in the present proceeding to the Petitioners for reasons already given. In the result, the petition stands dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]