

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CRIMINAL WRIT PETITION NO.130/2021

1. Pawan S/o Gopalrao Dhole,
aged 30 Yrs., Occ. Business,
R/o Gulhane Wadi, Indira Chouk,
Warud, Tah. Warud, Dist. Amravati.
2. Shri Kishor S/o Devidas Bhond,
aged 45 Yrs., Occ. Business,
R/o Warud, Tah. Warud,
Dist. Amravati.
3. Sayyed Jafar Sayyed Musa,
aged 42 Yrs., Occ. Business,
Ward No.13, Naya Dayara,
R/o Warud, Tah. Warud,
Dist. Amravati.
4. Shri Raviraj S/o Dhanraj Puri,
aged 34 Yrs., Occ. Business,
R/o Mata Chowk, Ward No.12,
Shendurjanaghat, Warud,
Dist. Amravati 444 906.
5. Vilas S/o Shankar Puri,
aged 41 Yrs., Occ. Business,
R/o Ward No.2, Dhanodi,
Tah. Warud, Dist. Amravati.

..Petitioners.

..Vs..

1. State of Maharashtra,
through Police Station Officer,
Shendurjanaghat, Tah. Warud,
Dist. Amravati.
2. Special Inspector General of Police,
Amravati Range Camp,
Amravati.

3. Shrenik S/o Dilip Lodha,
Superintendent of Police office
Amravati.

..Respondents.

Shri Anil S. Mardikar, Senior Advocate with Shri V.S. Kukday, Advocate for the petitioners.
Shri N.R. Patil, Additional Public Prosecutor for respondents - State.

CORAM :- **SUNIL B. SHUKRE AND**
AVINASH G. GHAROTE , JJ.
DATED :- **11.3.2021**

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

1. Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent.

2. Learned Senior Advocate, on instructions, does not press prayer clause (2) and, therefore, this petition is disposed of as not pressed in respect of prayer clause (2).

3. Now, what remains in this petition is only issue of the quashing and setting aside the F.I.R. No.0188/2020 registered against the petitioners under Sections 353, 143 and 186 of the Indian Penal Code read with Section 149 of the Indian Penal Code. The answer to this issue could be found out in the reply of respondent No.2. Paragraph 2 of the reply is relevant and, therefore, it is reproduced thus:-

“I am aware of the facts of the case, I have been duly authorized to swear, fact remains that the

intercepting of vehicles were within the area of State of Maharashtra which can be noticed from the statement of independent witness and therefore the prayer No.2 of the petition is (sic in) misconceived. As to the quashing of FIR No.188/2020 u/s. 353, 143, 149 and 186 of Indian Penal Code from the material in investigation shows that, there is no record of injuries to anybody. But the allegations against the police staff that they have misbehaved with the petitioners or their drivers seem to be incorrect as certain persons alleged to be signatories to the communication dt.04.11.2020 addressed to I.G.P Amravati Range about beating by police have voluntarily stated that they have not signed any such representation / complaint. Communication of Police Station Pandhurna (M.P.) also shows that no such incident has happened. The record or evidence does not show that any action was conducted by the police staff in the area of M.P. All the adverse allegations are denied.”

4. It is clear that respondent No.2 upon enquiry has found no substance in the allegations made against the petitioners on the basis of which the said crime has been registered against them. If this is so, we find that there is substance in this petition insofar as it relates to prayer clause (1). The petition is, therefore, allowed in respect of prayer clause (1). Rule is made absolute accordingly.

JUDGE

JUDGE

Tambaskar.