

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

Criminal Application (APL) No.732 of 2021

Snehadeep Sandip Taywade,
Aged 24 years,
Occ.: Student,
R/o Paranjape Colony, Camp,
Dist. Amravati.

... Applicant

Versus

1. State of Maharashtra,
through PSO Gadge Nagar,
District Amravati.
2. Dr. Veda Paulrak Vivek,
Aged 49 years,
R/o C/o Dr. Punjabrao Deshmukh
Nursing Institute,
Shivaji Nagar,
District Amravati.

... Non-Applicants

Shri R. Siddharth, Advocate for Applicant.
Shri T.A. Mirza, APP for Non-Applicant No.1- State.
Shri P.S. Chauhan, Advocate for Non-Applicant No.2.

CORAM : V.M. DESHPANDE & AMIT B. BORKAR, JJ.

DATE : 30th SEPTEMBER, 2021

Oral Judgment (Per Amit B. Borkar, J.) :

1. Heard Shri Siddharth, the learned counsel for the applicant;
Shri Mirza, the learned APP for the non-applicant No.1- State; and
Shri Chauhan, the learned counsel for the non-applicant No.2.

2. **Rule.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging the First Information Report No.482 of 2019 dated 26-4-2019 registered with the non-applicant No.1- Police Station Gadge Nagar, Amravati for the offences punishable under Sections 452, 143, 147, 148, 149, 323 and 109 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act.

4. The First Information Report came to be registered against the applicant with the accusations that 5 to 6 persons in blue shirt assaulted the Principal and threw chairs of the Library at the College. The applicant has, therefore, challenged the registration of First Information Report by way of filing the present application.

5. This Court on 4-8-2021 issued notices for final disposal to the non-applicants. The non-applicant No.1, in pursuance of the notice issued by this Court, has filed an affidavit stating that the Investigating Officer has recorded the statements of the witnesses, but the name of the present applicant is not appearing in the said statements.

6. The non-applicant No.2 has also filed an affidavit stating that he has no grievance against the applicant, as the applicant was not one of the assailants.

7. We have carefully considered the allegations in the First Information Report along with the reply filed by the Investigating Agency. The non-applicant No.1- State, in its reply in Paragraph No.3, has specifically stated that the name of the applicant is not appearing in the statements recorded. The non-applicant No.2 has also stated that he has no grievance against the applicant, as he was not one of those who had assaulted the Principal. The only material against the applicant is the statement of the co-accused, which is not admissible. We are, therefore, satisfied that continuation of the present proceedings against the applicant would amount to abuse of process of Court.

8. Hence, the following order :

First Information Report No.482 of 2019 dated 26-4-2019 registered with the non-applicant No.1- Police Station Gadge Nagar, Amravati against the applicant for the offences punishable under Sections 452, 143, 147, 148, 149, 323 and 109 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act is quashed and set aside.

9. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)

Lanjewar