

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

CRIMINAL APPLICATION (APL) NO.455 OF 2018

APPLICANT:

M/s Koolwal Handicraft,
180, Pratap Nagar,
Vashishtha Marg,
Khatipura Road, Jaipur
through Bharat Kumar s/o Brijlal
Suthar, Age - 43 years,
Occ - Business, R/o E-61,
Hanuman Path, Shyam Nagar,
Jaipur - 302019.

V E R S U S

NON-APPLICANTS : 1.

State of Maharashtra,
Through P. S. O. Sitabuldi,
Nagpur.

(Added respondent No.2
as per order dated
20.08.2018) 2.

Ajay s/o Raghunathji Bodhare,
Aged about : 37 years,
Occupation : Nil, R/o 03,
Shrikrishna Arpan Renuka Mata
Nagar, Near Indian Petrol Pump,
Hudkeshwar, Nagpur.

Shri Sudheer Voditel, Advocate for applicant.

Shri T. A. Mirza, Additional Public Prosecutor for Non-applicant
No.1-State.

CORAM: Z.A. HAQ & AMIT B. BORKAR, JJ.
DATED : 14/01/2021.

ORAL JUDGMENT : (PER Z.A. HAQ, J.)

1. Heard.

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

3. None appeared for the non-applicant No.2 – informant, though served.

4. Crime No.318/2016 came to be registered against the applicant for the offences punishable under Sections 295-A and 502 of the Indian Penal Code. The crime came to be registered pursuant to the report lodged by the non-applicant No.2 alleging that the printing of extracts of religious books of a particular sect on the dresses to be worn by the ladies particularly on the portion near the legs, the religious feelings of the complainant were hurt. On registration of the First Information Report, the applicant approached this Court by this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report registered against the applicant be quashed. According to the applicant, it is in the business of manufacturing of garments and as per the order placed by the owners of a mall asking for the particular design and pattern, the garment came to be manufactured and were supplied to the mall by order dated 25/06/2018. This Court directed issuance of notice to the non-applicants and directed that any coercive action should

not be taken against the applicant which interim order continues till date.

5. With the assistance of the learned advocate for the applicant and learned APP for the non-applicant No.1-State, we have gone through the First Information Report and the statements of the non-applicant No.2 – informant. Though the report lodged by the informant and the statement of the informant are quite exhaustive and descriptive, we find that there is no accusation that the dresses supplied to the mall by the applicant are printed with some objectionable contents deliberately and with malicious intention of outraging the religious feelings of any class which according to us is *sine qua non* for alleging commission of the offences under Sections 295-A and 502 of the Indian Penal Code. As we find that the ingredients necessary to constitute an offence under Sections 295-A and 502 of the Indian Penal Code are lacking, in our view, registration of the First Information Report against the applicant for the offences cannot withstand the scrutiny of law and is liable to be quashed.

6. During the pendency of this criminal application before this Court, charge-sheet came to be filed and the applicant has amended the criminal application and has challenged the charge-sheet also. The First Information Report itself could not have been registered. The charge sheet also has to be quashed.

7. Hence, the following order :-

ORDER

The First Information Report No.318/2016 registered with the non-applicant No.1 – Police Station against the applicant for the offences punishable under Sections 295-A and 502 of the Indian Penal Code and the consequential charge-sheet bearing No.242/2018 filed before the Trial Court is quashed.

8. Rule is made absolute in the above terms.

CRIMINAL APPLICATION (APPP) NO.1043 OF 2018

In view of disposal of Criminal Application (APL) No.455/2018, this criminal application praying for dispensing with filing of typed copy of First Information Report does not survive. It is disposed accordingly.

JUDGE**JUDGE**

Choulwar