

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

925 CRIMINAL APPLICATION NO.985 OF 2021

VIJAY ANNASAHEB MAKASARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Markad Dattraya R.
APP for Respondents : Mr. S W Munde

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CORAM : V.K. JADHAV & SANDIPKUMAR C. MORE, JJ.
Dated: February 15, 2022

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PER COURT :-

1. We have heard the learned counsel for the applicant for sufficient time. We are not inclined to entertain this criminal application.

2. Learned counsel for the applicant submits that the applicant has installed the 'CCTV' footage in his residential house, and, if the 'CCTV' footage is seen, no such incident has taken place. Learned counsel submits that the relations of the applicant has been strained with the P.I. of the concerned police station. In consequence thereof, this false complaint has been filed. It is a clear cut case of false implication.

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3. We have carefully perused the complaint. It appears that the incident had taken place on 18.10.2020 and at that time, the complainant, who is the police constable went to the house of the applicant alongwith one police friend for service of the summons on him. The applicant has not only thrown that summons by mentioning that his age is not correctly mentioned in the summons, but, further expressed himself in a very arrogant manner that he gets disappointment if the police constable comes to his house in uniform. He has further given threats to the applicant that on the basis of the complaint lodged by him against his Saheb known as Bahirat, he has lost his job. In the similar manner, respondent no.2/informant will also loose his job. The applicant has further allegedly snatched mobile of the informant and police friend to check whether they have recorded the said incident. Though the applicant has finally accepted the summons by signing on the duplicate copy, however, all the while he has deterred the respondent no.2, who is a public servant, while

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discharging his official duty. There is a triable case against the applicant.

4. In a case of **State of Orisha vs. Pratima Mohanty etc.** in Criminal appeal Nos.1455-1456 of 2021 decided on 11.12.2021, the Supreme Court in paragraph no.6.2 has made following observations :-

“6.2 It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 Cr.P.C. when after a thorough investigation the chargesheet has been filed. At the stage of discharge and/or considering the application under Section 482 Cr.P.C. the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court.”

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5. In view of the same, we are not inclined to entertain this criminal application. Criminal application is hereby dismissed.

(SANDIPKUMAR C. MORE, J.) (V.K. JADHAV, J.)

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