

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPLICATION NO.1611 OF 2021

1. Bashir Ahmed Khan Abdul Rehman Khan Tadvī (withdrawn)
2. Riyaz Ahmed Khan Bashir Ahmed Khan Tadvī (withdrawn)
3. Khadir Ahmed Khan Bashir Ahmed Khan Pathan Tadvī (withdrawn)
4. Munnawar Anwar Tadvī
5. Faizan Khan Mehbood Khan ...Applicants

Versus

1. The State of Maharashtra
2. Ramesh Narayan Swami ...Respondents

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Mr. Avinash N. Patil Barhate, Advocate for the Applicants
Mr. P. K. Lakhotia, APP for Respondent No.1 State.
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**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATED : 22nd JUNE 2022**

PER COURT:-

1. This is an application for quashing of the F.I.R. registered vide C.R. No. 171/2021 dated 10.6.2021 at Manwat police station for the offence punishable under Section 160 of IPC and Section 135 of the Maharashtra Police Act, 1951. The application was originally filed by five applicants, however, by previous order, the application for applicant Nos. 1 to 3 was withdrawn and thus the application survives only for applicant Nos. 4 and 5. Applicant No.4 Munnawar Anwar Tadvī is mentioned as a young boy of 16 years of age and applicant No.5 Faizan Khan is mentioned as 17 years old boy.

2. Learned counsel for the applicants invited our attention to the copy of Aadhaar cards annexed to this application. The Aadhaar card of applicant No.4 mentions his year of birth as 2005, whereas the Aadhaar card of applicant No.5 Faizan mentions his date of birth as 11.6.2004. He contends that both of them are minors.

3. Learned A.P.P. submitted that charge-sheet against them is not yet filed and the investigating agency is still awaiting the documents relating to their dates of birth.

4. It appears that in any case, both of them are young boys. Therefore, we have considered this application based on the allegations made in the F.I.R.

5. The F.I.R. is lodged by Police Inspector Mr. Ramesh Narayan Swami. He has stated that on 8.6.2021 the Police Officer at Manwat police station was informed that a quarrel was going on at Ambegaon Naka. The informant and others went there. They saw that some scuffle was going on between two groups. On enquiry, they came to know that both the applicants, their relatives and others were going towards Railway Station in their four-wheeler. One Pappu Gaikwad was standing on the road. He had parked his motor cycle in front of

their four-wheeler. Applicant No.1 Bashir alighted from the jeep and requested him to take aside his motor cycle. But Pappu did not do so and instead rushed towards him. The F.I.R. specifically mentions that applicant Faizan tried to mediate and stop further incident. However, there was some scuffle between the two groups. On this basis the F.I.R. is lodged. No role of instigation or actual assault is alleged against either of the applicants. In fact, the F.I.R. shows that applicant Faizan had tried to calm down both sides.

6. In this view of the matter, continuation of proceeding against the applicants would be an abuse of process of law. Both of them are young boys. They deserve to lead normal life without being stained with the investigation pending against them. Considering overall circumstances, we are satisfied that in this case the F.I.R. against them deserves to be quashed and set aside. Hence, the following order:-

O R D E R

- I. Criminal application is partly allowed in terms of prayer clause "B".
- II. The F.I.R. vide C.R. No. 171 of 2021 registered with Manwat police station is quashed and set aside qua

applicant No. 4 Munnawar Anwar Tadvī and applicant No.
5 Faizan Khan Mehbood Khan only.

III. The application is disposed of.

(BHARAT P. DESHPANDE, J.)

(SARANG V. KOTWAL, J.)

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