

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 CRIMINAL APPLICATION NO.2211 OF 2022

SANDEEP SHANKARRAO NIKAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Jade Rahul M.
APP for the respondent – State : Mr. R.D. Sanap
...

**CORAM : MANGESH S. PATIL &
ABHAY S. WAGHWASE, JJ.**

DATE : 20 OCTOBER 2022

PC :

The applicants are seeking quashment of the FIR, crime and the consequent chargesheet as well as the criminal case initiated against them for the offences punishable under section 353, 332, 504, 506 r/w. 34 of the Indian Penal Code pending before the Sessions Court at Aurangabad as Sessions Case no. 46 of 2022.

2. The sum and substance of the allegations in the FIR are to the effect that the informant was serving as a teacher and on the date of the incident, both the applicants arrived there in the school premises and assaulted him after hurling abuses and thereby obstructed him in discharging his duties as a public servant. He went to the Police Station and was referred for medical examination and subsequently

received an injury certificate. The offence was registered on the basis of the FIR lodged by him soon thereafter.

3. Learned advocate for the applicants would submit that they are being falsely implicated. The informant was constantly remaining absent. The applicant no. 2 had made a grievance to his superiors about his persistent absence and the FIR has been lodged as a counter blast.

4. The learned APP opposes the application.

5. Apart from the fact that *prima facie* there was some motive for the applicants in the form of their perspection that the informant was not regularly taking classes, there is nothing for us to reach a conclusion that they are being falsely implicated. There is an injury certificate. The FIR has been lodged promptly. Apart from the colleague teachers of the informant, there is a statement of a villager namely Kachru Rama Mengale apparently corroborating the version of the informant about applicants having assaulted him.

6. In our considered view, there is enough material to infer complicity of the applicants in the crime.

7. The application is rejected.

8. The observations made herein-above are confined to the present application.

[ABHAY S. WAGHWASE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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