

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

CRIMINAL APPLICATION NO. 2495 OF 2022

**DILIP BHAIKAS PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Applicants : Mr. M.V. Thorat
APP for Respondent No. 1 : Mr. A.M. Phule

**CORAM : SMT. VIBHA KANKANWADI &
RAJESH S. PATIL, JJ.**

DATED : 19 AUGUST, 2022

PER COURT:-

1. Present application has been filed invoking the inherent powers of this Court under Section 482 of Code of Criminal Procedure for quashing the FIR No. 28/2020 dated 29.01.2020, registered with Shirpur City Police Station, Taluka Shirpur, District Dhule, for the offences punishable under Sections 353, 333, 143, 147, 148, 149, 336, 337, 341, 427 of the Indian Penal Code.
2. Heard learned Advocate Mr. Thorat for applicants and learned APP Mr. Phule for respondent No. 1.
3. It is not even necessary to issue notice to the respondent No. 2.
4. The First Information Report is sought to be quashed on the ground that, in the FIR it has been stated that the allegations are mainly against one Dilip Patil and Bablu Shaikh who were caught by police, in the presence of the informant as they were pelting stones on

the road when the strike was called. The pelting of stone was on the S.T. bus and the informant was the driver of the said bus. It is contended that the applicants were protesting at Collector Office and not at the place stated in the FIR. It is then also stated that how the informant would have seen that the applicants were the persons at the place of incident when, in fact, he was driving the said vehicle. It has been further tried to be submitted on behalf of the applicants that the applicants who are the labour, have been falsely involved in the crime.

5. As regards the defence the applicants intend to take about their absence at the place of incident and their presence at a different place i.e. plea of *alibi* will have to be proved by them at the time of trial and it cannot be a subject matter to be considered under the powers of this Court under Section 482 of Code of Criminal Procedure.

6. At this stage, no presumptions can be drawn specially when those presumptions would be depending on the evidence to be adduced. It is not stated by the applicants as to whether the charge-sheet has been filed or not and whether they have been served with the charge-sheet or not. In fact, applicants could have waited till the filing of the charge-sheet and then, to consider as to what material has been collected against them and thereafter only they ought to have approached this Court. Further, even some point has been raised. Taking into consideration their religion, it appears that according to the petitioners, they were agitating against the implementation of CAA law against the constitution, and the National Register of Citizens (NRC). They have contended that since they are

Muslim by religion, they were demonstrating. Definitely, the citizens have right to protest but so far as a point that merely because they are of a particular religion or particular caste, they have been involved in this case is concerned, it has to be proved by them at the time of trial and it cannot be the subject matter where the inherent powers to be exercised by this Court.

7. Under such circumstances, the application stands rejected.

[RAJESH S. PATIL, J.]

[SMT. VIBHA KANKANWADI, J.]