

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

930 CRIMINAL APPLICATION NO.3303 OF 2022

**MOTIRAM BALIRAM JOGDAND AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicants : Mr. Patil Nileshsingh J.
APP for Respondent No. 1 : Mr. B.V. Virdhe

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

DATE : 18.10.2022.

PER COURT :

We have heard both the sides.

2. The petitioners are seeking quashment of the crime registered pursuant to the F.I.R. 21/2022 with Basmath Rural Police Station, District Hingoli for the offences punishable under Sections 353, 294, 504, 506 read with Section 34 and under Section 65(e) of the Maharashtra Prohibition Act.
3. The learned advocate for the applicants would submit that the main accused is absconding. These applicants had no role to play as far as the offence under Prohibition Act is concerned. The applicant No. 1 Motiram is even visually impaired. The other are women. The applicants are being falsely implicated. It would be abuse of the process of law if based on vague and omnibus allegations they are allowed to be prosecuted and made to defend it.
4. The learned A.P.P. opposes the application.
5. We have carefully gone through the papers and considered the rival submissions.

6. The allegations in the F.I.R are to the effect that the police party had effected a raid on a tip off and some prohibition muddemal was found in possession of a person who ran away from the spot leaving behind the muddemal. In the meantime, the applicant No. 1 is alleged to have accosted the police and started questioning them as to what authority they had to effect the raid. He also abused and threatened them. In the meantime the other applicants who are women folk arrived at the scene and even they obstructed the police in discharging their duties.

7. At this stage, presence of all the applicants at the scene of the crime is writ large as also role attributed to them in obstructing the police machinery from discharging its duty. *Prima facie*, all the necessary ingredients for constituting the aforementioned offences can be made out from the F.I.R. It cannot be said that the applicants are being falsely implicated.

8. The Criminal Application is rejected.

(ABHAY S. WAGHWASE J.)

(MANGESH S. PATIL, J.)

mkd/-