

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

46 CRIMINAL APPLICATION NO.2594 OF 2021

PEERMOHAMMAD BADSHAH SHAIKH

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant:

Mr. Shaikh Mazhar A. Jahagirdar

APP for Respondents: Mr. A. V. Deshmukh

...

CORAM: V. M. DESHPANDE &

SANDIPKUMAR C. MORE, JJ.

DATE: 18th APRIL, 2022

PER COURT:

1. This is an application filed on behalf of the applicant U/Sec.482 of the Code of Criminal Procedure, 1973 for quashing of First Information Report bearing Crime No.I-1590 of 2020 registered with police station Kotwali, Ahmednagar, District – Ahmednagar for the offences punishable U/Sec.188 of the Indian Penal Code, 1860 and U/Sec.52 of the National Disaster Management Act, 2005 and U/Sec.140 of the Maharashtra Police Act, 1951.

2. Heard Mr. Shaikh Mazhar A. Jahagirdar, learned Counsel for the applicant and Mr. A. V. Deshmukh, learned A.P.P. for the State as well as the complainant.

3. The learned Counsel for the applicant has relied upon the decision of this Court in Criminal Application (Apl) No.453 of 2020 (Coram: V. M. Deshpande and Amit B. Borkar, JJ.) passed on 21.09.2020. He tendered the copy of the said judgment in this proceeding which is taken on record and marked "X" for the purpose of identification. After having gone through the First Information Report and after having gone through the reasons in the Criminal Application (Apl) No.453 of 2020 Exhibit-"X", we are of the view that for the reasons recorded in the Criminal Application (Apl) No.453 of 2020, this application is required to be allowed. Resultantly, we pass the following order.

4. For the reasons stated in the Criminal Application (Apl) No.453 of 2020, it is held that the non-applicant no.2 was not authorized to file the First Information Report. Resultantly, the F.I.R. and the consequential proceedings are quashed and set aside.

5. Criminal Application is accordingly disposed of.

[SANDIPKUMAR C. MORE, J.]

[V. M. DESHPANDE, J.]

marathe