

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.221 OF 2022

Pandurang Bhagwan Ghadge & Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. .. Respondents

....

Mr. Kuldeep Patil, i/b. Saili N. Dhuru, for the Petitioners.

Mr. J.P. Yagnik, APP, for State.

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CORAM: NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 15 JULY 2022.

P.C:-

Heard the learned Counsel for the parties. Taken up for disposal.

2. By this petition, the Petitioners, who are 26 in number, are seeking to quash the FIR bearing No. 2/22 registered with Kundal Police Station, District Sangli and further proceedings arising from the same.

3. The FIR is lodged by Respondent No.2, who was attached to the Bhuinj Police Station, Taluka Wai, District Satara. He had stated

that when he had gone to trace one Shukraraj Pandurang Ghadge, who was released on parole on 24 June 2021 and had not returned, the Petitioners' obstructed him and aided the escape of Shukraraj Pandurang Ghadge. On this averment, FIR was lodged.

4. The learned Counsel for the Petitioners submits that the FIR is nothing but list of names of the Petitioners with a conclusion that they are conspired with each other to enable escape of the accused Shukraraj Pandurang Ghadge. There is nothing more in this FIR.

5. Though it is correct that the FIR is not encyclopedia, it cannot be bereft even of basic particulars. This FIR has just listed the names of the accused with the single line statement that they have conspired with each other. We note that 33 persons, including four drivers, have been roped in in the FIR. We had given opportunity to the prosecution to produce before us investigating papers so that they can demonstrate something more than the single line assertion in the FIR. But nothing is produced before us. The petition had come up on board on 18 February 2022 when the learned APP had sought time. Again time was sought on 23 June 2022. One more opportunity was granted on 8 July 2022 and the matter was kept today. No instructions have been given to the learned APP by the concerned Investigating Authorities. At the request of the learned APP, the matter was kept in afternoon session. Even then, no instructions are coming forth.

6. In the case of *State of Haryana & Ors. vs. Ch. Bhajan Lal & Ors.*¹, the Supreme Court has observed that if the allegations made in the FIR are absurd and inherently improbable, it would be a good ground for quashing the FIR. In the present case, the entire community has alleged to have conspired to aid the escape of the prisoner on parole without any details. There is no separation of roles whatsoever. The FIR as filed is ex facie absurd and abuse of process of law.

7. In these facts and circumstances, case is made out to grant relief in this petition. Writ petition is, accordingly, allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

¹ 1992 AIR 604