

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.457 OF 2022

APPLICANT : Deepak S/o. Aasaram Deosinghani
Aged about 62 yrs, Occ. Business, R/o.
Rajeev Nagar, Wardha Road, Nagpur

..VERSUS..

RESPONDENTS : 1. State of Maharashtra,
Through Police Station Officer Sadar Police
Station Nagpur.

Amendment carried out as per Court's
order dated 06.04.2022.

2. Shri Vijay s/. Himmatrao Kadu
Aged about 45 years, Occ: Police Constable,
R/o. 6, Durga Nagar, Hingna Road, MIDC,
Nagpur.

Shri D. V. Chauhan, Advocate for Applicant
Shri I. J. Damle, APP for the Respondent No.1.

CORAM : SUNIL B. SHUKRE AND G. A. SANAP, JJ.

DATE : 14th JULY, 2022.

ORAL JUDGMENT : (Per : Sunil B. Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally
by consent of the parties.

3. The affidavit filed by the Police Sub Inspector

Shri Santosh Marotrao Khandekar, makes it clear that the applicant is innocent, but was mistakenly shown as accused in the present crime. In fact, the mistake has been committed by some other Investigating Officer and the mistake of the present Investigating Officer is only of filing a wrong affidavit-in-reply stating that the applicant was the owner of the restaurant bar. The PSI Santosh Khandekar, has realized his mistake and has tendered his unconditional apology before this Court. The apology needs to be accepted considering the fact that it seems to be the first mistake, which has appeared on record.

4. In view of above, the application is allowed in terms of prayer Clause (i), which reads as under :

“(i) Quash and set aside the charge sheet bearing No.80/2021 dated 28.12.2021 registered by non-applicant police station vide crime bearing No.181/2021 for offence punishable under Section 65(E) 82, 83 of the Maharashtra Prohibition Act, Section 188, 269, 270 of the Indian Penal Code, Section 3 of Epidemic Disease Act, 1897, Section 51 (B) of Disaster Management Act, 2005 and Section 140 of Maharashtra Police Act, 1951 against applicant which herewith as Annexure-A.”

5. Shri Santosh Khandekar, Police Sub Inspector, Police Station Sadar, Nagpur City is warned that in future, he will not file any false affidavit before the Court, nor will he register any false offence against any innocent person, nor will he harass any innocent person.

6. Copy of the order be sent to the Commissioner of Police, Nagpur for information and record.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

TAMBE