

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

CRIMINAL APPLICATION NO.1183 OF 2019

Navnath s/o. Kundalik Devkate
and anr.

..Applicants

Vs.

The State of Maharashtra
and anr.

..Respondents

Mr.Ajinkya Kale, Advocate i/b. M/s. Talekar and Associates, for
applicants

Mr.R.B.Bagul, APP for respondent no.1

Mr.Rahul Kasat, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JUNE 21, 2023**

ORDER :-

This application under Section 482 of the Code of Criminal Procedure has been moved for quashment of the FIR being Crime No.60 of 2019, registered at Begumpura Police Station, Aurangabad, for the offences punishable under Sections 143 and 506 of Indian Penal Code, the consequential Charge Sheet No.122 of 2019 and S.C.C. No.13232 of 2019, pending before learned Judicial Magistrate, First Class, Aurangabad.

2. Heard learned counsel for the applicants, learned APP for respondent no.1 and learned counsel for respondent no.2.

3. The FIR has been lodged by a Watchman of Dr. Babasaheb Ambedkar Marathwada University, Aurangabad. It has been averred therein that on 11.03.2019 by 11.30 in the morning, the applicants along with about 25 persons entered the University campus. They wanted to meet the Vice-Chancellor. The Watchman asked them to wait for a while since a meeting was in progress. He also asked those persons that only 2-3 persons from them could meet the Vice-Chancellor. They, however, did not listen. All of them started towards the office of the Vice-Chancellor. They made ruckus and scene in the University campus. They gave slogan against the Vice-Chancellor. Based on the aforesaid allegations, crime was registered and investigated as well. Charge sheet has been filed. Statement of witnesses are consistent with the averments in the FIR.

4. Learned APP and learned counsel for the informant would submit that the averments in the FIR and the statements of witnesses suggest involvement of the applicants in the offence in

question. They would further submit that C.C.T.V. footage also would reinforce the prosecution case. As such, it is not a fit case to grant relief of quashment of the FIR. According to them, no mini trial can be conducted in the proceedings under Section 482 of the Code of Criminal Procedure.

5. Considered the submissions advanced by learned counsel for the parties.

6. Admittedly, the applicants, at the relevant time, were law students. The University had taken a decision to take re-examination of Law Degree Course for first year's two subjects, i.e. Law of Contract and Micro-Economics. The applicants and others wanted to meet the Vice-Chancellor to request him not to conduct re-examination. No overt act, except slogans against Vice-Chancellor, are attributed to the applicants. The FIR is lodged 24 hours after the incident. If the applicants are made to face the prosecution, the same may affect their career. Some of them are practicing lawyers. Since the allegations are not serious, in our view, interest of justice demands, even if there is some material against the applicants, to allow the application.

7. In the result, the application is allowed. The FIR being Crime No.60 of 2019, registered at Begumpura Police Station, Aurangabad, for the offences punishable under Sections 143 and 506 of Indian Penal Code, the consequential Charge Sheet No.122 of 2019 and S.C.C. No.13232 of 2019, pending before learned Judicial Magistrate, First Class, Aurangabad, stand quashed.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP