

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

65 CRIMINAL APPLICATION NO.1421 OF 2022

Nitin S/o Rajaram Potdar.

... Applicant

Versus

1. The State of Maharashtra.
2. Ashok S/o Sahebrao Pradhan.

... Respondents

...
Mr. Sudarshan J. Salunke, Advocate for Applicant.
Mr. M. M. Nerlikar, APP for Respondent / State.
...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

DATE : 11th September, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard.

2 This application has been filed for quashment of FIR and consequential charge-sheet in R.C.C. No.97 of 2020, for the offences punishable under Sections 353, 307, 504 and 506 of the Indian Penal Code, 1860.

3 The informant, P.S.I. of the S.R.P.F Group-3, lodged a report in the Ambajogai (City) Police Station, Taluka Ambajogai, District Beed alleging that when he was on duty for prevention of Covid-19 and

checking the vehicles, one Innova vehicle was passed without allowing to check it. The informant tried to stop that vehicle in order to check it, however, the driver of said Innova vehicle did not stop the vehicle and ran away. After some time, the applicant came back and stopped the vehicle near the informant and started to abuse and threaten him. The informant found that there was smell of liquor from the mouth of the applicant. The applicant threatened the informant and others and left that place. The report was lodged on the same day.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The supplementary statement though recorded, does not establish the offence punishable under Section 307 of the Indian Penal Code. The allegations are false. He, therefore, prayed to allow the application.

5 The learned APP for the State strongly opposed the application by contending that the applicant is involved in the serious crime. His name is mentioned in the FIR and there are supportive statements of the witnesses that the applicant was causing interference in their duty. He lastly prayed to reject the application.

6 Perused the charge-sheet. The FIR does not establish the ingredients of Section 307 of the IPC except the offence punishable under Section 504 of IPC, which is non-cognizable. There is

absolutely no material to proceed against the applicant with the trial under Section 307 of IPC. Considering all these facts and circumstances of the case, the application deserves to be allowed. The application is, therefore, allowed in terms of prayer clauses (B), (C) and (D). No costs.

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[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]