

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

CRIMINAL APPLICATION NO. 2832 OF 2022

1. Vandana Pradeep Bhapkar
Age: 45 years, Occu.: Household,

2. Mangal Narayan Bhapkar
Age: 63 years, Occu.: Household,

Both R/o Kalgaon (Bhapkarwadi),
Tq. Shrigonda, Dist. Ahmednagar
Presently residing at Khedkar Mala,
Opp. Court, Tq. Shrigonda,
Dist. Ahmednagar

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector,
Belwadi Police Station,
Tq. Shrigonda, Dist. Ahmednagar

2. Surekha Laxman Walve
Age: 30 years, Occu.: Service,
R/o Belwandi Police Station,
Tq. Shrigonda, Dist. Ahmednagar

..RESPONDENTS

....
Mr. P.B. Shirsath, Advocate for applicants
Mr. P.G. Borade, A.P.P. for respondents
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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 03rd FEBRUARY, 2023

PER COURT :

1. Heard finally at admission stage with consent of learned counsel
for the respective parties.

2. This is an application under Section 482 of Code of Criminal Procedure to quash the F.I.R. bearing C.R. No. 283 of 2022 registered at Belwandi Police Station, Dist. Ahmednagar for the offences punishable under Sections 353, 332, 294 and 504 of the Indian Penal Code.

3. By order dated 03rd October, 2022, this Court had permitted the Applicant No.1 to withdraw the application.

4. Learned counsel for the Applicant No.2 submits that the F.I.R. does not disclose any offence as against the Applicant No.2. Under such circumstances, compelling her to face the criminal proceeding would be a sheer abuse of the process of Court.

5. We have perused and considered the submissions advanced by learned counsel for the respective parties. The F.I.R. was lodged by the Respondent No.2, who at the relevant time, was attached with the Belwandi Police Station as a Police Constable. She has stated that on 12th July, 2022, the Applicant No.2 and one Narayan Bhapkar, against whom a complaint was lodged by one Manisha Lagad were called by the police at police station. It is stated that there was some altercation between them. The Respondent No.2 had alleged that the Applicant No.1 – Vandana

Bhapkar, who accompanied the Applicant No.2 – Mangal Bhapkar to the police station, abused the police, who were on duty and that she obstructed them while discharging their lawful duty. She also threatened to lodge a false complaint against them with the help of her husband serving in the C.R.P.F.

6. A perusal of the complaint reveals that the allegations are only against the Applicant No.1. The complaint reveals that the Applicant No.2 was called to the police station in view of the complaint lodged by one Manisha Lagad. There are no allegations against the Applicant No.2 for having abused or in any other manner involved in obstructing the Respondent No.2 or other police officials from discharging their lawful duties. The allegations in the F.I.R. even if accepted as true and correct, do not disclose any cognizable offence against the Applicant No.2. In such circumstances, compelling the Applicant No.2 to face criminal trial would be a sheer abuse of the process of Court. The case is fully covered by Illustration No.1 in case of *State of Haryana and Ors. Vs. Ch. Bhajan Lal and Ors., 1992 AIR 604* and therefore, it is a fit case to exercise jurisdiction under Section 482 Cr.P.C. to prevent an abuse of the process of law.

7. In view of above, criminal application is allowed in terms of prayer clause (B). Consequently, the F.I.R. bearing C.R. No. 283 of 2022 registered

at Belwandi Police Station, Dist. Ahmednagar for the offences punishable under Sections 353, 332, 294 and 504 of the Indian Penal Code stands quashed, qua the Applicant No.2.

(R.M. JOSHI, J.)
SSD

(SMT. ANUJA PRABHUDESSAI, J.)