

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

CRIMINAL APPLICATION NO.3674 OF 2022

Sangita Balasaheb Ghogare	..Applicant
Vs.	
The State of Maharashtra	
and anr.	..Respondents

Mr.M.A.Dond, Advocate for applicant
Mr.A.R.Kale, APP for respondent no.1

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : NOVEMBER 06, 2023**

ORDER (*PER SANJAY A. DESHMUKH, J.*) :-

This is an application under Section 482 of the Code of Criminal Procedure, 1973.

2. The informant, who is working as Assistant Engineer in M.S.E.D.C.L, averred in the report that on 17.08.2022, he and along with other employees of M.S.E.D.C., went to install new D.P. in the agricultural land belonging to the applicant. That time, the applicant opposed him. Therefore, he lodged the FIR.

3. Learned counsel for the applicant contended that as the applicant had filed a civil suit against the M.S.E.D.C.L., the informant

filed FIR against him. He submits that *prima facie* the offence is not made out against the applicant. He, therefore, prayed for quashment of the report.

4. Learned APP strongly opposed the application.

5. Perused the report. It shows that the applicant only opposed for installation of D.P. in her agricultural field. No any over act has been attributed to her. Admittedly, the D.P. is installed in the land of the applicant. Considering all these facts and circumstances, there is no *prima facie* case against the applicant under Section 353 of I.P.C. The application, therefore, deserves to be allowed. It is, thus, allowed in terms of prayer clause (B).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP