

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1881 OF 2022

MAHESH HIRALAL SHINDE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. Y.R. Shinde, Advocate for the Petitioner.

Ms. V.N. Patil-Jadhav, APP, for the Respondent – State.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : JANUARY 27, 2023

PER COURT :

1. This Petition is filed under Article 226 of the Constitution of India to quash the NCR No. 1114/2022 registered with Chikhalthana (Rural) Police Station, Aurangabad for the offence punishable under Section 186 of the IPC.

2. The records *prima facie* reveal that the applicant had obstructed one Jaydeep C. Rajput who claimed to be an employee of the Bharat Petroleum Corporation Limited while he was laying the pipeline under police protection.

3. Learned Counsel for the Applicants states that the complainant was not a public servant within the

meaning of Section 21 of the IPC.

4. It is not in dispute that Bharat Petroleum Corporation Limited is a Government Entity and an employee of the Government Entity discharging his official duties would be a public servant within the meaning of Section 21 IPC. Reliance is placed on the decision of the Supreme Court in National Small Industries Corporation Ltd Vs. State (NCT of Delhi) reported in AIR 2009 SC 1284.

5. Having gone through the record, we do not find any merits in the Petition. Hence, the Petition stands dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)