

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 60 OF 2019

Priyanka Vipul Jadhav and others ... Applicants

Versus

State of Maharashtra and others ... Respondents

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Mr. Pandit Kasar for the Applicants.
Ms. Sharmila Kaushik, APP for the State.

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**CORAM : NITIN W. SAMBRE &
N.R. BORKAR, JJ.**

DATED : 9 OCTOBER 2023

P.C. :-

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. A prayer is for quashing of the FIR in Crime No. 2 of 2016 for the offence punishable under Section 353 r/w. 34 of Indian Penal Code pursuant to the complaint dated 31 December 2015 lodged by Respondent No.2.

3. The contentions of the learned Counsel for the applicants are that contents of the FIR and the other material on record do not satisfy the very ingredients of offence under Section 353 of IPC. So as to substantiate these contentions, he has taken us through the contents of the FIR and the

statement of the witnesses recorded under Section 161 of Cr.P.C.

4. The learned APP while opposing the prayer has urged that appreciation of evidence would be an issue which can be looked into at the time of trial and not at this stage.

5. Having looked into the statement and the contents of the complaint, it can be noticed that the respondent No.2 has only stated about the abusive words used by the applicants while police personnels tried to intervene into the differences between one Jagtap and the applicants.

6. Apart from the above, the allegations in the FIR are too vague and do not satisfy the ingredients of offence punishable under Section 353 of the IPC. No specific over act is attributed to the applicants so as to infer that applicants have used the criminal force to deter police personnels from discharging their duties.

7. In the aforesaid background, having regard to the observations made hereinabove, we deem it appropriate to allow the Writ Petition in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)