



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

911 CRIMINAL APPLICATION NO. 2437 OF 2024

Rafik Akbar Sayyad and Others ..Applicants

Versus

The State of Maharashtra and Another ..Respondents

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WITH

CRIMINAL APPLICATION NO.2434 OF 2024

Anisa Salim Sayyad and Another .. Applicants

Versus

The State of Maharashtra and Another ..Respondents

.....
WITH

CRIMINAL APPLICATION NO. 2435 OF 2024

Babasaheb Gopinath Ghule .. Applicant

Versus

The State of Maharashtra and Another ..Respondents

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Mr. Appasaheb J. Nagode and Ms. Suprabha Appasaheb Nagode,
Advocate for Applicants

Mr. V. K. Kotecha, APP for Respondent / State

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**CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

Dated : August 01, 2024

PER COURT :-

. Heard learned Advocate for the Applicants.

2. Learned Advocate for the Applicants submits that false FIR is

lodged due to enmity against one Samina Jamal Sayyed. He submits that the spot panchanama does not show encroachment. He submits that false case is lodged against the Applicants.

3. We have perused the papers made available by learned Advocate for the Applicants. The Applicants are named in the FIR. The FIR is lodged by public servant i.e. Village Development Officer. It shows that when the government machinery went for removing the encroachment, the Applicants threatened and prevented them from removing the encroachment. The statement of witnesses corroborates the Report lodged by the public servant. The Report is lodged on the same day of incident i.e. on 21.02.2023. *Prima facie*, necessary ingredients for the offence punishable under Section 353 of the Indian Penal Code are made out. We see no case to exercise our jurisdiction under Section 482 of the Code of Criminal Procedure and hence, the following Order :

ORDER

(i) The Criminal Application Nos. 2437 of 2024, 2434 of 2024 and 2435 of 2024 stand dismissed.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP