

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3217 OF 2021**

Vasantrao V. Surve ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Mandar Soman for the Petitioner.
Mr. A.S. Shalgaonkar, APP for the Respondent/State.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**
DATE : 12.03.2024.

PC:-

1. None present for the respondent No.2.
2. The First Information Report (FIR) was registered at the instance of respondent No.2 on 10.07.2021 with Kharad Taluka Police Station, Satara vide C.R. No. 319 of 2021 for the offences under Sections 324, 143, 147, 149, 504 and 506 of the Indian Penal Code.
3. Vide order dated 16.09.2021, this Court had issued notice to the respondents and directed that the charge-sheet shall not be filed. The interim protection was granted by observing that *prima facie* it appears that no specific *overt-act* is attributed to the petitioner.

4. Learned Advocate for the petitioner submitted that the petitioner has been falsely implicated in this case. The petitioner is an Advocate and aged around 70 years. He had been to village to resolve the dispute. No specific *overt-act* is attributed to him. The FIR contains vague allegations of abuses and intimidation. The petitioner is not connected with the dispute which is the cause of incident dated 10.07.2021.

5. Learned APP submitted that the first informant and other witnesses have referred to the presence of petitioner at the scene of offence. Pursuant to the registration of FIR, the statements of witnesses were recorded. The statement of one of the witnesses indicates that the petitioner is relative of the complainant. In view of the interim relief granted by this Court, though investigation is complete, charge-sheet is not filed.

6. The petitioner is senior citizen and aged around 70 years. The FIR refers to presence of petitioner at the scene of offence but refers to vague *overt-act to the petitioner*.

7. We have perused the charge-sheet produced by learned APP. No specific *overt-act* is attributed to the petitioner.

Considering the nature of allegations levelled against the petitioner and the evidence collected by the Investigating Agency, we are of the opinion that the FIR registered against the petitioner needs to be quashed.

ORDER

A] Criminal Writ Petition is allowed.

B] The FIR dated 10.07.2021 registered with Kharad Taluka Police Station, Satara vide C.R. No. 319 of 2021 for the offences under Sections 324, 143, 147, 149, 504 and 506 of the Indian Penal Code is quashed and set aside against the petitioner.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)