



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**: NAGPUR BENCH : NAGPUR.**

**CRIMINAL WRIT PETITION NO. 264 OF 2024**

**PETITIONER** : Chandrakala Santosh Shahu,  
Aged 55 years, Occupation – Private,  
R/o Sambhaji Nagar, N/o Manoj Tailor,  
Mahadula, Tah. Kamptee, Dist. Nagpur.

**VERSUS**

**RESPONDENTS** : 1] State of Maharashtra,  
through Police Station Officer,  
Police Station, Koradi, Dist. Nagpur.

2] Rajesh Chokhinath Rangari,  
Aged 40 years, Occupation – Private,  
R/o Devi Mandir, Panchshil Bhavan,  
Mahadula, Tah. Kamptee, Dist. Nagpur.

3] Sandip Dilip Chidrewar,  
Aged 40 years, Occu. Service,  
Office Address – Nagar Panchayat,  
Mahadula, Tah. Kamptee, Dist. Nagpur.

4] Dipak Nimone,  
Aged 38 years, Occu. Service in Police,  
Office Address – Police Station, Koradi,  
Tah. Kamptee, Dist. Nagpur.

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Mr. S. S. Meshram, Advocate for the petitioner  
Mr. C. A. Lokhande, A.P.P. for the respondent No.1/State  
Mr. M. I. Dhattrak, Advocate for respondent nos.2 and 3.

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**CORAM : G. A. SANAP, J.**  
**DATED : DECEMBER 02, 2024.**

**ORAL JUDGMENT**

1. **RULE.** Rule made returnable forthwith. Heard finally at the stage of admission itself by the consent of the learned advocates for the parties.

2. The petitioner, who is the original complainant, has questioned the correctness of the order dated 30.10.2023, passed by learned Sessions Judge, Nagpur, whereby the learned Sessions Judge dismissed the Criminal Revision Application No. 89/2022 filed by the petitioner challenging the order passed by learned Judicial Magistrate, First Class, Court no.6, Nagpur, dated 21.02.2022 in Summary Criminal Case No. 977/2022. Learned Judicial Magistrate First Magistrate, vide order dated 21.02.2022, had dismissed the private complaint filed by the petitioner against the respondents.

3. It is the case of the petitioner/complainant that respondent no.2 is the President of Nagar Panchayat, Mahadula, respondent no.3 is the Chief Officer of Nagar Parishad, Mahadula and respondent no.4 is the Police Constable attached to police station, Koradi at the relevant time. Accused no.4 in the complaint is the employee of Nagar Panchayat, Mahadula. It is stated that on 21.11.2018, respondent nos.2

to 4 came to the house of the petitioner and without giving any notice, unauthorizedly demolished her shop and the house. After this action, she filed a civil suit and obtained the order of status-quo. The application made by her for the temporary injunction was rejected. It is stated that after rejection of the injunction application, on 07.06.2019, respondent nos.2 to 4 came to her house. They did not possess any order for demolition of the house and shop of the petitioner. They tried to demolish the structure. It is stated that when she requested them not to demolish the structure, she was dragged out of her house. They abused her and asked her to leave the house. It is stated that they behaved with her in an obscene manner. They outraged her modesty. One social worker and journalist namely Sudhir Dhuriya tried to video record the demolition action. He was not allowed to do the same. On the instructions of respondent no.2 and one male police officer, the employees of Nagar Parishad dragged the complainant out of her house. They were taken to the police station. A false report was lodged against the complainant and Mr. Dhuriya. A crime for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code has been registered against them. The petitioner filed a false complaint to wreck vengeance against the government officials.

4. Learned Magistrate recorded the verification statement of the complainant and her witness Mr. Dhuriya. Learned Magistrate on going through the complaint, the verification statement of the complainant and the statement of Mr. Dhuriya, noticed serious inconsistencies in the complaint and in the statements of the witnesses. Learned Magistrate concluded that the complaint filed was nothing, but a counter blast to the prosecution initiated against her and Mr. Dhuriya. The complaint was accordingly dismissed. The order of dismissal of the complaint was challenged before the Sessions Court in revision. Learned Sessions Judge, by order dated 30.10.2023 recorded his agreement with the reasons recorded by the learned Magistrate and dismissed the revision application. The petitioner has challenged these two orders in this petition.

5. I have heard Mr. S. S. Meshram, learned advocate for the petitioner, Mr. C. A. Lokhande, learned Additional Public Prosecutor for respondent no.1 and Mr. M. I. Dhatri, learned advocate for respondent nos.2 and 3. Perused the record and proceedings.

6. Learned advocate for the petitioner submitted that the

Courts below have failed to properly appreciate the material facts stated in the complaint as well as the facts stated in the verification statement of the complainant and her witness Mr. Dhuriya. Learned advocate submitted that the action of demolition was illegal and unauthorized. The petitioner tried to prevent the demolition of the structure without authority and at that time she was abused in filthy language. It is submitted that she was dragged out of the house and thereby one member of the demolition squad/party outraged her modesty. Learned advocate submitted that the verification statement of the complainant and the statement of her witness, are consistent.

7. Learned advocate for respondent nos.2 and 3 submitted that the Courts below have not committed any illegality or perversity while rejecting the complaint. Learned advocate submitted that the Courts below on the basis of the material on record noticed that the complaint was nothing but a counter blast to the criminal prosecution initiated against the complainant and Mr. Dhuriya. In short, learned advocate has supported the orders passed by the learned Magistrate as well as by the learned Sessions Judge.

8. Learned Additional Public Prosecutor appearing for the State has supported the orders passed by the Courts below.

9. I have gone through the record and proceedings. It is undisputed that the civil suit filed by the complainant is pending. In the said suit, the complainant has challenged the action of demolition on the ground that it was illegal and without authority. Learned Magistrate, before passing the impugned order, followed the procedure. Learned Magistrate, on perusal of the complaint, the verification statement of the complainant and the statement of the witness, noticed material inconsistencies. Learned Magistrate recorded his satisfaction that there is variance in the averments made in the complaint and the facts stated in the verification statement of the complainant and her witness. Learned Magistrate noticed that the inconsistencies are material to doubt the credibility of the complainant. Learned Sessions Judge, in exercise of the revisional jurisdiction, again considered the same material and agreed with the view taken by the learned Magistrate. On going through the record and proceedings, I am satisfied that the Courts below have not committed any mistake or illegality while dismissing the complaint.

10. It is to be noted that the complaint is silent about certain facts, which have been stated for the first time in the verification statement of the complainant as well as in the statement of her witness. Undisputedly, the complainant and her witness Dhuriya are facing criminal prosecution for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code for obstructing the government servants from discharging their duties. It is to be noted that the report was lodged on 07.06.2019 against the complainant and her witness. It is seen on perusal of the complaint that the complainant has made vague and general allegations. The name of the in-charge of Koradi Police Station has been introduced for the first time in the verification statement. Learned Magistrate, who recorded the verification statement of the complainant and her witness, noticed material discrepancies.

11. On going through the record, I am satisfied that the Courts below have not committed any mistake in dismissing the complaint. It is apparent that the action of demolition of the shop and house of the complainant was carried out by a public authority. The complaint seems to be by way of a counter blast and to wreck vengeance on the

government officials. On reconsideration of the entire material, I do not see any reason to interfere with the orders passed by the Courts below.

12. In view of the above, the Criminal Writ Petition is dismissed. Rule discharged.

( G. A. SANAP,J. )

*Diwale*