



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 CRIMINAL APPLICATION NO. 97 OF 2025

AKSHAY KAMALAKAR MORE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. S. J. Salunke
APP for Respondents : Mr. P. R. Bharaswadkar
...

**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 16th JANUARY, 2025

PER COURT :-

1. Present application has been filed for quashing the FIR vide C.R. No.354/2024 dated 20.11.2021 registered with Police Station Ambajogai (Rural), District Beed for the offences punishable under Sections 109, 118(1), 132, 189(2), 191(2), 191(3), 190, 324(4), 324(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Heard learned Advocate for the applicants and perused the contents of the FIR. The FIR is lodged by respondent No.2 who was deputed on the Election Booth for bandobast in the capacity as Police Constable. He has given the names of the other persons who were deployed for the security of the booth. He states about the incident

that had taken place around 1.30 p.m. on 20.11.2024 whereby he says that a mob of 50-60 persons gathered on account of manhandling of one Advocate Madhav Jadhav at Parali and he says that the people were armed with sticks and iron rods. He says that when he had tried to obstruct the mob he was tried to be assaulted and there was an attempt to commit his murder and since he was on official duty the act of those persons amounted to obstruction in respect of discharge of his official duty. The mob went inside the Booth and even tried to commit murder of the head of the Booth. There was damage to the EVM machines. Similar incident had taken place in another Booth that is at Someshwar Vidyalaya. He had come to know about the names of the some of the persons from the mob and he has named there.

3. Now it has been tried to be submitted on behalf of the applicant that said Madhav Jadhav had filed Writ Petition No.11841/2024 against Election Commission of India and others and this Court by order dated 25 October 2024, in the light of affidavit in reply on behalf of the Election Commission of India that adequate care would be taken for the smooth election, disposed of the said Writ Petition. We are of the opinion that order cannot be used by the petitioners for the simple reason that only the Election Commission of

India had undertaken that the elections would be held in a fair atmosphere. Still it appears that the incident had taken place. We are at a very preliminary stage and except on the basis of the FIR which is filed, we cannot come to the conclusion that there is false implication on the applicants. A thorough investigation is definitely required when in fact in the said Writ Petition a submission was made that the Petitioner who was the aspirant of contesting assembly elections of 2024 from Parali assembly constituency which consisted of 222 Polling Stations within geographical area of Parali Taluka and 120 polling stations in Ambajogai. It was projected that the constituency is politically sensitive and has dominance of a particular family which is enjoying power since last three decades. In view of the affidavit in reply by the Election Commission that Writ Petition was disposed of. It further appears that similar offence has been registered with Bardapur Police Station, District Beed vide C. R. No.256/2024. Under such circumstance, there has to be investigation.

4. We reject the application at the threshold.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE