



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL APPLICATION NO.4829 OF 2024

- 1 Laxmi w/o Uddhav Kakde,
Age 36 yrs., Occ. Agricultural worker,
R/o At Wadkha, Post Warzadi,
Aurangabad, Tq. & Dist. Aurangabad.
- 2 Shyam Uddhav Kakde,
Age 36 yrs., Occ. Agricultural worker,
R/o as above.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through its' Investigating Officer,
Vedant Nagar Police Station, Aurangabad,
Tq. & Dist. Aurangabad.
- 2 Vanita Babanrao Chowdhary,
Age 36 yrs., Occ. Service (PSI),
R/o Vedant Nagar, Aurangabad,
Tq. & Dist. Aurangabad.

... Respondents

...

Mr. S.P. Rathod, Advocate for applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 16th JANUARY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the proceedings in Regular Criminal Case No.727/2024 pending before learned Chief Judicial Magistrate, Aurangabad arising out of First Information Report vide Crime No.253/2023 dated 08.12.2023 registered with Vedant Nagar Police Station, Aurangabad, for the offence punishable under Sections 353, 294, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. S.P. Rathod for applicants and learned APP Mrs. Priya R. Bharaswadkar for respondent No.1. There is no necessity to issue notice to respondent No.2.

3 Respondent No.2 is serving as API with Jawahar Nagar Police Station, Chhatrapati Sambhajinagar. Present applicant No.1 is her maternal aunt, applicant No.2 is son of applicant No.1.

4 Learned Advocate for applicants submits that there is a property dispute that is pending between applicants and respondent No.2. Respondent No.2 is taking disadvantage of her position that being employed in Police Department and getting false revenue records and mutation entries

in respect of land which was in the possession of late husband of applicant No.1. Applicant No.1 has made complaint to various authorities and brought to their notice the acts and even respondent No.2 tried to extort amount of Rs.10,00,000/- from the applicant No.1. The authorities are not responding to applicant No.1. Now, charge sheet is filed and if we consider the contents of First Information Report, supplementary statement and statements of other witnesses, then certainly no offence under Section 353, 294, 504, 506 read with Section 34 of the Indian Penal Code can be disclosed. First Information Report is nothing but a concocted story.

5 Important point to be noted here is that it is not in dispute that respondent No.2 is a public servant. In her First Information Report she has stated that she had gone to PP office in District Court, Aurangabad on 07.12.2023. It was the official work, for which she had gone there and all of a sudden she came across the applicants. According to her, after applicant No.1 saw her, she started abusing and then the informant told to applicant No.1 that she is not willing to talk to her. But then applicants followed her and abused in the Court premises. Applicant No.1 was giving threats that how she would still be in service and she would give application against her in Anti Corruption Bureau. About 100-125 persons gathered and when informant tried to videograph the incident, at that time, applicant No.1

rushed towards her, tried to snatch the cell phone and pulled her uniform. Even applicant No.2 by giving threat then tried to take mother aside. Informant has then informed the fact by calling No.112. She says that when she was trying to give First Information Report, she had received phone call from her mother that her feeding baby is crying and, therefore, she went to house and lodged the report on the next day. It appears that CCTV footage from District Court has been collected. Apart from the relatives of informant there is statement of a person who is carrying on the contract of parking in District Court, Aurangabad premises has been recorded, wherein it is stated that applicant No.1 was abusing respondent No.2 and then by catching her collar tried to snatch the cell phone and documents in the hand.

6 Certainly, there is *prima facie* evidence for proceeding the matter further against applicants. There might be dispute between them in respect of land, but that does not mean that applicants should take the law in hand. Hence, no case is made out for quashing First Information Report. Application stands rejected.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)