

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4618 OF 2025

- | | | | |
|----|------------------------------------|---|--------------------|
| 1. | Ravindra Dagadu Gaikwad |] | |
| | Age: 49 years, Occu: Professional, |] | |
| | R/o. 65, Antrolikar Nagar, Solapur |] | |
| 2. | Vyankatesh Dnyaneshwar Bacchal |] | |
| | Age:48 years, Occu. Service, |] | |
| | R/o. 32, Vardhman Nagar, Shelgi, |] | |
| | Solapur. |] | |
| 3. | Vishal Ramkisan Jadhav |] | |
| | Age: 39 years, Occu. Service, |] | |
| | R/o. Plot No.10, Shivganga Nagar, |] | |
| | Shelgi, Solapur. |] | Petitioners |

Versus

State of Maharashtra	]	
(At the instance of Foujdar Chawadi	]	
Police Station, Dist. Solapur.)	]	Respondent

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Mr. Vikrant V. Phatate, for Petitioners.

Mr. Pankaj Deokar, A.P.P, for Respondent – State.

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**CORAM : M.S. KARNIK &
AJIT B. KADETHANKAR, JJ**

DATE : 25th NOVEMBER, 2025.

ORAL JUDGMENT: [PER M.S. KARNIK, J.]:

1. Heard Mr. Phatate, learned Counsel for the petitioners and Mr. Deokar, learned A.P.P, for the respondent – State.

2. This petition is filed for quashing of the Charge-sheet bearing RCC No.1071 of 2024 arising out of F.I.R. No.82 of 2014 registered with Foujdar Chawadi Police Station, Solapur for the offences punishable under sections 353, 341, 323, 504, 506 and 34 of the Indian Penal Code.

3. Facts of the case in brief are that petitioner No.1 was then the Director of Kai. Sushilatai Gaikwad Bahu-uddeshiy Sanstha, Kegaon, which is a Public Trust. The petitioner No.2 was Office Superintendent and the petitioner No.3 was serving as Accountant at the said Sanstha. Learned Counsel submits that the petitioners were under the impression that it was a Public Trust and hence there was no necessity to pay the Corporation tax. Nevertheless, the petitioners were paying requisite taxes to the Solapur Municipal Corporation (for short "Corporation").

4. The petitioners had filed one complaint before the Chief Judicial Magistrate, Solapur against Commissioner of the Corporation on 27th August, 2013. It is the submission of the learned Counsel for the petitioners that by keeping grudge in mind, a notice was issued by the Corporation on 23rd December, 2023 to seal the premises of the petitioners.

5. The complainant who was In-charge Superintendent of the Corporation filed a complaint on 6th March, 2014 alleging that when he and his staff had gone to attach the property, as there were arrears of tax on the part of the

Sanstha, the petitioners did not permit them to perform their duty, stating that an appeal was preferred in the High Court against the notice of attachment. It is alleged that on 7th March, 2014 at about 11.30 a.m, the complainant along with his staff went to office of the said Sanstha, calling upon the petitioners to pay the tax. On the very same ground, that an appeal was filed in the High Court, the petitioners obstructed the complainant from discharging their duties. It is further submitted that the petitioners locked the main gate and obstructed the complainant. It is further submitted that the petitioners abused the complainant. Pursuant to the First Information Report, investigation was carried out and charge-sheet came to be filed.

6. Learned A.P.P submitted that the ingredients of the offence are made out. It is further submitted that the petitioners are guilty of obstructing the complainant, who was discharging his duty as an officer of the Corporation for the purpose of attachment.

7. Learned Counsel for the petitioners submitted that there was no intention on the part of the petitioners to obstruct the complainant in discharging his duties. It is submitted that the premises have now been de-sealed. In fact, the petitioners are regularly paying taxes. It is further submitted that though the petitioners do not admit that they have committed the offence alleged, nonetheless, they are expressing remorse for what had happened as their intention was only to point out that the petitioners had filed an appeal

against the order of attachment before the High Court and hence, action be deferred. Nonetheless, later on, the premises were attached. The petitioners are now conducting the activities of the Sanstha peacefully after the attachment was lifted.

8. The incident is of the year 2014. The petitioners have faced the prosecution for long period of time. In our opinion, considering the nature of the allegations, continuing the proceedings any further would be an abuse of the process of the Court. It is submitted that even as of date, the case has not been committed to the Sessions Court. There is no dispute that the petitioners had filed a complaint before the learned Chief Judicial Magistrate, Solapur against the Commissioner of Corporation on 27th August, 2013. Learned Counsel for the petitioners submitted that because of the complaint filed, as a counterblast, the action was taken against them.

9. Be that as it may, learned Counsel for the petitioners, on instructions of the petitioners, submits that the petitioners will not proceed with the complaint dated 27th August, 2013, filed against the Commissioner of Corporation before the Chief Judicial Magistrate, Solapur. Learned Counsel for the petitioners undertakes to withdraw the said complaint and/or to co-operate with the concerned for quashing the same.

10. We are, therefore, inclined to allow the petition in terms of prayer clause (b) which reads thus;

“b) By issuing an Appropriate Writ and Order, this Hon’ble Court quash the Charge sheet bearing RCC No.1071 of 2024 arising out of FIR No.82/2014 registered at Foujdar Chawadi Police Station, Solapur for offence U/s. 353, 341, 323, 504, 506, 34 of I.P.C”.

11. The petition is disposed of.

[AJIT B. KADETHANKAR, J.]

[M.S. KARNIK, J.]