

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3719 OF 2024

Dattatray Hanumant AasbePetitioner
Versus
The State of Maharashtra
and othersRespondents

Mr. Sachin Thorat, Advocate for the Petitioner.
Ms. M.H. Mhatre, APP for the Respondent Nos.1 & 2-State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 08th APRIL, 2025

P.C. :

1. The present Petition is filed seeking a prayer for quashing of the proceedings in relation to Summary Criminal Case No.137/2023 pending before the J.M.F.C., Madha, District-Solapur. It arises out of C.R. No.787/2021 dated 27.12.2021 lodged by one Kashinath Talekar. Learned counsel for the Petitioner has not added him as a party respondent. Therefore, leave to amend is granted to add the first informant as a party Respondent.

2. The FIR is lodged mainly against one K.N. Patil who was the Station House Officer of Tembhurni police station, District-Solapur at the relevant time. The case of the first informant is that he had given a complaint against one Dhanaji Shivaji Kedar as said Dhanaji had trespassed in his agricultural land on 10.10.2009. In spite of it being a cognizable offence, PSI Dhananjay Jadhav had not entered it in the register for cognizable offences and the FIR was not registered. Because of this lapse on his part the first informant Talekar made a complaint against Shri Dhananjay Jadhav in the year 2015 for commission of the offence punishable under Sections 166, 167, 217, 218, 201, 120B of IPC and under Section 145(c) of Mumbai Police Act. The record of that particular complaint was not available. The contention of the first informant is that Shri K.N. Patil had caused disappearance of that complaint. It is his case that the present Petitioner had assisted Shri K.N. Patil in destroying the complaint against PSI Jadhav.

3. Learned counsel for the Petitioner submitted that the main dispute between Talekar and Kedar was settled. The

complaint was given by Talekar against Jadhav in the year 2009. According to him, the said complaint was destroyed somewhere by the year 2015, for which he was holding Shri K.N. Patil responsible. The role attributed to the Petitioner is that he had assisted Shri K.N. Patil in destroying that complaint.

4. Learned counsel submitted that Shri K.N. Patil has preferred Criminal Writ Petition No.4814/2024, in which the notice is issued to the Respondent No.2 i.e. the first informant and there is an ad-interim relief granted in his favour.

5. Considering these submissions, it is necessary to hear the informant i.e. the added Respondent No.2. Learned counsel for the Petitioner has made out a case for grant of ad-interim relief.

6. Hence, the following order:

:: O R D E R ::

- i. Issue notice to the added Respondent No.2, returnable on 9.7.2025.

- ii. Till then, the trial Court shall not proceed against the
Petitioner.
- iii. This Petition be tagged with Criminal Writ Petition
No.4814/2024.
- iv. Both these Petitions be listed for further consideration
on 9.7.2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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