

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

CRIMINAL WRIT PETITION NO.6114 OF 2024

Amar Shivajirao Chavhan

.....Petitioner

Versus

The State of Maharashtra

.....Respondent

Mr. Narayan Rokade, Advocate for the Petitioner.

Mr. Y.M. Nakhwa, APP for the Respondent-State.

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

DATE : 28th JANUARY, 2025

P.C. :

1. This is a Petition for quashing of the FIR registered vide C.R. No.6/2023 on 5.1.2023 at Murgud police station, District-Kolhapur under Sections 186 and 353 of IPC.

2. Learned counsel for the Petitioner submitted that even if the FIR and the entire charge-sheet is taken into consideration, no case under Section 353 of IPC is made out because there is no reference to any force or criminal force used by the present Petitioner.

3. Learned APP, on the other hand, submitted that the

offence under Section 353 of IPC is made out. However, he could not point out as to how the act attributed to the Petitioner falls within the definition of 'force' and 'criminal force' under Sections 349 and 350 of IPC, and as to how the offence alleged against him is made out.

4. The FIR mentions that, on 4.1.2022, the police officers had entered the establishment of the present Petitioner on the information that gambling activities were conducted in those premises. When the police were in the process of completing the formalities and taking search, the Petitioner came there and started shouting. He started telling the police that he had the requisite licence and he would make complaints to the higher authorities and that he would file a Petition for Contempt of Court. After some time, the other persons in the establishment pacified him. Then the police continued with their procedure. On this basis, the FIR is lodged.

5. The investigation is over and the charge-sheet is filed. The charge-sheet mainly consists of the statements of the

police officers who have supported the allegations in the FIR.

6. Even considering the allegations in the FIR and the charge-sheet as they are, we find *prima facie* substance in the argument of the learned counsel for the Petitioner that, by mere shouting, the offence under Section 353 of IPC would not be made out. Arguable points are raised.

7. Hence, the following order:

:: O R D E R ::

- i. Rule.
- ii. There shall be interim relief in terms of prayer clause (b).

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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