

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

CRIMINAL WRIT PETITION NO. 1709 OF 2025

Sarjerao Bajrang Masal

.....Petitioner

Versus

The State of Maharashtra and Anr.

.....Respondents

Adv. Gaurav Kalekar a/w Adv. Kalebag Pushpantali - Advocate for the Petitioner.

Mr. B. V. Holambe – Patil - APP for the Respondent-State.

Mr. Rajiv Kendre, PSI Atpadi Police Station

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

DATE : 07th APRIL 2025

P.C. :

1. This is a petition for quashing of the proceeding arising out of C.R. No. 337 of 2022 registered with Atpadi Police Station and the consequent Sessions Case No. 401 of 2024 pending before the Additional Sessions Judge, Vita, Sangli.

2. The F.I.R. is lodged by the Respondent No. 2 and the Petitioner is facing the charges under Sections 353, 504 and 506 of the Indian Penal Code.

3. Heard Shri Kalekar learned Advocate for the Petitioner and learned APP for the Respondent – State.

4. Learned Counsel for the Petitioner submitted that the F.I.R. is lodged about the incident dated 16.09.2022. The allegations against the Petitioner are that the Respondent No. 2 was conducting survey at Masalwadi Village at about 2.30 p.m.. The Petitioner came near the first informant and other officers, and he tried to assault them. He abused them and stopped the work of survey. On these allegations, the F.I.R. is lodged.

5. The learned Counsel for the Petitioner submitted that the Respondent No. 2 was not authorized to conduct the survey and therefore, the entire process of conducting the survey was illegal. Therefore, the first informant was not carrying out any official work, and he was not authorized to carry it out. He further submitted that the F.I.R. itself shows that no force was used and the allegation at the highest is that he aggressively went towards the officers. The other allegations are about abuses. He submitted that the ingredients of the Section 353 are not made out.

6. Considering this submission, it is necessary to hear the other side. The learned Counsel for the Petitioner has made out a case for grant of ad-interim relief. Hence, the following order :-

ORDER

(I) Issue notice to the Respondent No. 2, returnable on 07th July 2025.

(ii) Till then, the trial Court shall not proceed against the Petitioner.

7. Stand over to 07th July 2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)