



Judgment

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.110 OF 2023

Yogesh s/o Nageshwar Sadlawar,
aged about 36 years, occupation business,
(private work), r/o Mahakali
Colliery, Ashtabhuja Ward,
Chandrapur, tahsil and district
Chandrapur.

..... **Applicant.**

:: V E R S U S ::

1. State of Maharashtra,
through PSO Police Station
Chandrapur City, tahsil and district
Chandrapur.

2. Suyash s/o Madhukarrao
Bhusari,
aged about 43 years, occupation
business, r/o Shriram Ward,
near old power house,
Chandrapur.

..... **Non-applicants.**

Shri Shashi Bhushan Wahane, Counsel for the Applicant.
Shri M.J.Khan, Additional Public Prosecutor for NA No.1/State.
Ms.Poonam Pisorde, Counsel Appointed for NA No.2.

**CORAM : URMILA JOSHI-PHALKE &
NANDESH S.DESHPANDE, JJ.**

CLOSED ON : 07/10/2025

PRONOUNCED ON : 14/10/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

1. Heard learned counsel Shri Shashi Bhushan Wahane for the applicant; learned Additional Public Prosecutor Shri M.J.Khan for non-applicant No.1/State, and learned counsel Ms.Poonam Pisorde appointed for non-applicant No.2. **Admit.** Heard finally by consent.

2. The present application is preferred by the applicant for quashing FIR in connection with Crime No.417/2022 registered with the non-applicant police station for offences under Sections 384, 385, 420, 468, and 471 read with 34 of the IPC.

3. One Suyash Madhukarrao Bhusari, lodged a report on 28.7.2022 wherein he stated that he is having his ancestral house situated at Shriram Ward, Chandrapur and condition of the said house was

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dilapidated and, therefore, he started construction of the said house and the said construction was in progress. On 23.7.2022, he received a Notice from the Municipal Corporation, Chandrapur and accordingly on 24.7.2022 he visited the Municipal Corporation, Chandrapur wherein he informed that a complaint has been lodged pertaining to the construction activity by one Shekhar Nishad. The complainant met him on 25.7.2022 and he was informed that said Shekhar Nishad is Vice President of “Manav Adhikar Sanshodhan Association” and the present applicant is the President of the said Association. It is further alleged by the complainant that the said persons demanded amount Rs.5.00 lacs for withdraw the said complaint and he was threatened on that count. On the basis of the said complaint, the police registered the crime.

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4. During investigation, it revealed to the investigating officer that the said Association is not registered with the Charity Commissioner and several complaints are received as to the activities of the said Association.

5. The present application is filed by the applicant on the ground that there is no *prima facie* material against him as he has never demanded amount from the complainant, but as the complaint was lodged against the complainant, this false report is lodged by him. During the investigation, various statements are recorded by the investigating officer, but none of the witnesses states that the applicant is involved in demanding the extortion amount. Thus, no *prima facie* case is made out against the applicant.

6. Learned counsel for the applicant reiterated the said contentions and submitted that none of

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statements show involvement of the applicant in the alleged offence.

7. *Per contra*, learned Additional Public Prosecutor for the State and learned counsel for the non-applicant No.2 strongly opposed the said contentions and submitted that other two accused namely Chandrashekar and Sachin were arrested during the course of the investigation. During the course of the investigation, it revealed that various complaints are received by the investigating agency as far as activities of the said Association are concerned. The statements of Sayyad Jalil Sayyad Basir, Mohd.Tohsin, and Gafrun Alimuddin Shaikh disclosed involvement of the applicant. The communication issued to the Municipal Corporation is also under the signature of the applicant. The Association, which the applicant is representing, is neither registered with the Charity Commissioner nor

there is any sanctity to the said association. In view of the decision of the Hon'ble Apex Court in the case of The State of Haryana vs. Bhajan Lal reported at 1992 AIR 604, *prima facie* case is made out against the applicant and, therefore, the application deserves to be rejected.

8. On hearing both the sides and perusing the investigation papers, it reveals that the complaint is lodged against the applicant and other co-accused on the basis of report lodged by the complainant wherein it is alleged that to withdraw the complaint filed by the applicant under his signature to the Municipal Corporation and the complainant has to pay Rs.5.00 lacs for withdrawing the said complaint. The documents on record disclose that on the letter head of the Association the complainant was lodged against the complainant alleging that his construction is illegal and he cannot

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construct the said house at distance of 100 meters from the Central Jail. Thus, he has contravened the conditions.

9. The statements of various witnesses disclose that on the name of the applicant the other co-accused have demanded extortion amount from the complainant. the investigation further discloses that similar types of the complaints are received from the other persons also. Admittedly, strong suspicion is sufficient to frame the charge.

10. At this stage, a *prima facie* case is made out against the applicant.

11. In the case of **Bhajan Lal** *supra*, inflexible guidelines or exhaustive list of kinds of cases are considered by the Hon'ble Apex Court that such powers should be exercised that where allegations made in the

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First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make out a case against the accused, the High Court can exercise its extra-ordinary jurisdiction and inherent powers. He submitted that no offence is made out against the applicant and hence the First Information Report registered against the applicant deserves to be quashed and set aside.

12. In the light of the above guidelines, if the facts and circumstances of the cases and the statements of witnesses are considered, at this stage, a *prima facie* case is made out against the applicant and, therefore, the application deserves to be rejected and the same is **rejected**.

13. Fees of learned counsel appointed for the non-applicant No.2 are quantified and the same be paid to her as per rules.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede, PS !!