



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

CRIMINAL APPLICATION (APL) NO. 206 OF 2023

Ashok Markandi Marganwar,
Age : 55 years, Occupation : Agriculturist,
R/o. Ward No.3, Chandrapur, Mul,
Dist. Chandrapur.

.... **APPLICANT.**

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Mul, District :
Chandrapur.
2. Sonitai Kalidas Deshmukh,
Age – 23 years, Occupation : Agriculturist,
R/o. Chandrapur, Tah. Mul, District :
Chandrapur.

.... **RESPONDENTS.**

Shri Rajnish Vyas, Advocates for Applicant.
Shri S.S.Doifode, A.P.P. for Respondent No.1/State.
Shri Rahul Alone, Advocate for Respondent No.2.

**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATE OF RESERVING THE JUDGMENT : 16/04/2025
DATE OF PRONOUNCING THE JUDGMENT : 13/08/2025

JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel for the parties.

3. The applicant by way of this application filed under Section 482 of the Code praying for quashing and setting aside the First Information Report No.613 of 2022, dated 23/12/2022, registered with Police Station, Mul, District : Chandrapur for the offences punishable under Sections 354, 354A(1)(i), 509, 294, 323, 504 and 506 of the Indian Penal Code on the ground that the complaint is vexatious and made to falsely implicate the applicant.

The brief facts of the present case are as under :

4. On 23/12/2022 a complaint lodged by the non-applicant No.2 came to be registered as Crime No. 613 of 2022 for the above referred offences with Police Station, Mul, District : Chandrapur. The non-applicant No.2 alleged that a quarrel took place between her and the applicant at the monthly meeting of the Gram Panchayat on 23/12/2022 and it is alleged that in the same course the applicant physically assaulted the non-applicant No.2 by holding her hand and breaking her bangles. It is also alleged that the applicant used improper language and abused the non-applicant No.2 and thereby outraged her modesty.

5. Whereas, it is the case of the applicant that there were several illegalities committed by the non-applicant No.2, who is Sarpanch, and pursuant to that a complaint was made by the applicant to the Block Development Officer in a capacity as Up-Sarpanch. Thereupon, vide order dated 19/04/2022 an inquiry was directed and a detailed show cause notice on each of the allegations was issued to the non-applicant No.2. It is further pointed out that the application under Section 39 of the Maharashtra Village Panchayats Act, 1959 was also preferred by the petitioner for removal of the non-applicant No.2 from the post of Sarpanch. Thus, it is argued that the alleged complaint is false and is manifestly attended with malice. Accordingly, it is prayed that the same may be quashed.

6. Having gone through the record and on perusal of the complaint it is evident that the allegation against the applicant is that in the meeting dated 23/12/2022 the applicant caught her hand and abused her in unparliamentary language and thereby the applicant outraged her modesty.

7. However, if the instances prior to lodging of the complaint on 23/12/2022 are considered it will be revealed that the applicant, in a capacity as Up-Sarpanch, made a complaint to the Sub-Divisional Officer against the enormous illegalities in the functioning of the non-applicant No.2 as Sarpanch. The complaint made by the applicant against the non-applicant No.2 to the

Sub-Divisional Officer discloses serious allegations made by the applicant against the non-applicant No.2. It is further evident that the Sub-Divisional Officer discloses serious allegations made by the applicant against the non-applicant No.2. It is further evident that the Sub-Divisional Officer took cognizance of the same and directed the Block Development Officer to make an inquiry. On the report submitted by the Block Development Officer, the Chief Executive Officer, Zilla Parishad, Chandrapur on 07/12/2022 issued show cause notice to the non-applicant No.2 stating therein each and every allegations against the non-applicant No.2.

8. It is further evident that in proximity of the date of the complaint lodged by the non-applicant No.2, the applicant moved an application under Section 39 of the Maharashtra Village Panchayats Act, 1959 for removal of the applicant.

9. Thus, there is sufficient material to show that the applicant was consistently pursuing the matter against the non-applicant No.2 for her alleged illegalities and the irregularities committed while working as Sarpanch.

10. In the above referred backdrop, I find substance in the submission of the learned counsel for the applicant that the FIR against the applicant is manifestly attended with *mala fides* and the same is registered with

ulterior motive of wrecking vengeance due to private and personal grudge. Thus, by applying the law laid down by the Hon'ble Supreme Court of India in the case of *Sate of Haryana ..vs. Bhajan Lal*, reported in **1992 Supp (1) SCC 335** it would be necessary to invoke provisions of Section 482 of the Code of Criminal Procedure to quash and set aside the FIR registered against the applicant.

11. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) The First Information Report No.613 of 2022 dated 23/12/2022, registered with Police Station, Mul, District : Chandrapur for the offences punishable under Sections 354, 354A(1)(i), 509, 294, 323, 504 and 506 of the Indian Penal Code, is hereby quashed and set aside.

Rule is made absolute accordingly.

(PRAVIN S. PATIL, J)

(ANIL S. KILOR, J)