



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

CRIMINAL APPLICATION (APL) NO.1684 OF 2024

APPLICANT : Ashwini Anantrao Deshpande,
Aged 38 years, Occ. Service, R/o 67, Gokul,
MIDC Road, Vidarbha Premier Nagar,
Amravati, Achalpur, Tq. Achalpur, Dist.
Amravati.

..VERSUS..

NON-APPLICANT : 1. **State of Maharashtra,**
Through P.S.O. Achalpur, Tq. Achalpur,
District; Amravati.

Mr C. A. Babrekar, Advocate for Applicant.
Ms S. Haider, Addl. P. P. for Non-Applicant/State.

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

RESERVED ON : 11th NOVEMBER, 2025.

PRONOUNCED ON : 19th NOVEMBER, 2025.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

. Heard.

2. **Admit.** Heard finally with the consent of learned
Counsel for the parties.

3. The applicant has approached this Court by filing
the present application under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking to quash the First

Information Report dated 04.05.2021 registered as crime No.0131 of 2021 at Police Station Achalpur, District Amravati Rural, for the offences punishable under Sections 186 and 189 of the Indian Penal Code, 1860 and under Section 110 and 117 of the Maharashtra Police Act, 1951 and has prayed for quashing of the charge-sheet/Final Report Form bearing No.01 of 2021 bearing N.C.R. No.113 of 2021 pending before the Judicial Magistrate First Class, Achalpur, District Amravati Rural.

4. As per the case of non-applicant and in accordance with the contents of the First Information Report dated 04.05.2021, the Regional Forest Officer (RFO), Paratwada, had informed non-applicant - Police Station Achalpur that the present applicant had come under the influence of liquor/alcohol within the premises of the Forest Department. The present applicant was working as a Clerk in the said forest department. Upon receiving the said information, a station diary entry to that effect was made and non-applicant's officer Police Sub-inspector Snehal Ande proceeded to the said premises and attempted to take the present applicant for medical examination. The

applicant, however, verbally abused non-applicant and also created a ruckus in a public place.

5. We have heard Mr. C. A. Babreakar, learned counsel for applicant and Mrs. S. Z. Haider, learned Additional Public Prosecutor for non-applicant/State.

6. The learned counsel for the applicant submits that the applicant has been falsely implicated by the officers of her department. According to learned counsel, the facts of aforesaid incident are that on 04.05.2021, applicant received phone call from her Senior Officer asking her to have lunch at Punjab Dhaba, Achalpurar, after which the applicant was allegedly administered an unknown substance in a cold drink and was feeling uneasy. One Mr. Maske, who was present there, attempted to touch applicant inappropriately and upon refusal abused her verbally. Upon escaping the said situation, she was forcibly referred to for medical examination against her will by her senior officer.

7. It is further submitted that initially, Police Station Paratwada refused to record oral complaints of applicant and

thereafter, applicant submitted a written complaint on 06.05.2021. Upon receipt of the said information, on 08.05.2021, non-applicant filed an application for investigate of Non-Cognizable (N.C.) Report which was filed against her.

8. Learned counsel further submits that the blood sample of the applicant collected on 04.05.2021 was forwarded to the Forensic Laboratory only on 12.03.2021. As revealed from the charge-sheet, the samples remained in the custody of the Forest Department, thereby raising serious doubts regarding tampering or contamination. He further submits that the Alcohol Examination Certificate shows the presence of alcohol at the level of 0.086mg, which is below the permissible level for constituting an offence.

9. Lastly, the learned Counsel for the applicant submits that the applicant's discharge and revision applications have been rejected, though she is the real victim who has been falsely portrayed as the accused. Hence, the First Information Report deserves to be quashed in the interest of justice.

10. On the other hand, Mrs. S. Z. Haider, learned Additional Public Prosecutor for non-applicant has strongly opposed the contentions advanced by the learned counsel for the applicant and submitted that the prosecution agency has rightly registered the offence punishable under Sections 186 and 189 of the Indian Penal Code, 1860, and under Sections 110, 112, and 117 of the Maharashtra Police Act.

11. The learned Additional Public Prosecutor further submits that the Alcohol Examination Report clearly indicates the presence of alcohol in the applicant's blood sample. It is further contended that there are independent witnesses who have supported the prosecution version and confirmed that the applicant had created nuisance and obstructed public servants in discharge of their official duties. Hence, the application deserves to be rejected being devoid of merits.

12. In the backdrop of these facts, we have perused the entire record. The offence complained of is punishable under Section 186 which prohibits the Court to take cognizance unless an order is there under Section 195 of the Code of Criminal

Procedure. However, the said order is placed before us and the Judicial Magistrate First Class while considering the facts was pleased to allow the said application. Thereafter, Section 189 of the Indian Penal Code speaks about threat of injury to the public servant. In this regard, there is *prima facie* material against the applicant which shows that the applicant has threatened the police personal from performing their duties. The contentions made in the First Information Report find support and the chemical analysis report obtained by the prosecution during the course of investigation. The witness have stated in their statements that the present applicant was under the influence of liquor when the incident happened. It is, therefore, clear that *prima facie* material is against the present applicant which requires a full fledged criminal trial.

13. In that view of the matter, we are not inclined to exercise inherent jurisdiction under Section 482 of the Code of Criminal Procedure. Hence, the application is **rejected**.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)