



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

CRIMINAL APPLICATION (APL) NO. 1605 OF 2024

Sanjay Omprakash Varma

Aged:51 Yrs., Occ.: Business,
R/o. Kela Nagar, Khamgaon 444303

...APPLICANT

// VERSUS //

1. **State of Maharashtra,**
Through PSO Khamgaon City,
Tq. Khamgaon, District Buldhana

2. **Pawan Ratan Shegokar,**
Aged : 30 yrs., Occu.: Service,
R/o. Milind Nagar, Shegaon,
Taluka Shegaon, District Buldhana

RESPONDENTS

Mr A. D. Bhate, Advocate for the applicant
Mr Suraj Hulke, APP for respondent No. 1/State

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : JUNE 10, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. None appeared for respondent No. 2, though served
long back.

2. Heard.

3. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

4. By the present application, filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("the BNSS", for short) (Section 482 of the Code of Criminal Procedure), the prayer is made for quashing the chargesheet filed in crime No.236 of 2024 dated 26.04.2024, registered with Khamgaon City Police Station, District Buldhana for the offence punishable under Sections 353 and 186 of the Indian Penal Code and Sections 131 and 132 of the Representation of the People Act, 1951 as well as Regular Criminal Case No. 431 of 2024 pending on the file of Judicial Magistrate First Class, Khamgaon.

5. It is the case of the prosecution that while respondent No.2 was performing his duty as a 'Homeguard' in the Lok Sabha Election 2024, on 26.04.2024, the applicant obstructed him from performing his duty. On such complaint, the alleged offence came to be registered.

6. Thereafter, simultaneously, the Collector directed the Tahsildar to inquire into the matter and accordingly, the Tahsildar

called the respondent No. 2 vide letter dated 20.09.2024 for recording his statement. Before the Tahsildar, the respondent No. 2 stated that though there was an exchange of words, however, he never intended to file a criminal complaint against the applicant.

7. In the charge-sheet there are statements of two old-aged persons one Sau Alka Sudhakar Tambat, aged about 75 years and Dr. Sudhakar Tambat, aged about 86 years. Both do not support the case of the prosecution.

8. There is a statement of Head Constable Sunita Kashyap. However, it appears that because she prevented the applicant from exercising his right to vote on the date of the election, he lodged a complaint against her on the same day. Thus, it appears that to counterblast the complaint of the applicant, the respondent No.2 was asked to lodge the complaint and it was supported by the said witness Sunita.

9. The statement given by respondent No. 2 to the Tahsildar sufficiently disclosed that some incident took place, but it

was not of the nature which would obstruct respondent No. 2 from performing his duty. Furthermore, he specifically stated that it was never his intention to lodge any criminal complaint against the applicant or prosecute the applicant. Considering the statement of respondent No.2, it is evident that even if the trial is conducted the whole exercise would be futile.

10. In the above-referred backdrop, though the learned APP strongly opposed the application and prayed for dismissal of the same, we are of the opinion that in the above referred facts and circumstances, the applicant can not be forced to face the trial. Accordingly, we are of the considered view that the present application needs to be allowed.

11. Accordingly, the criminal application is **allowed**.

12. The criminal proceeding bearing Regular Criminal Case No. 431 of 2024 and the Charge-sheet arising out of the FIR No. 236 of 2024 for the offences punishable under Sections 353

and 186 of the Indian Penal Code and Sections 131 and 132 of the Representation of the People Act, 1951 registered with Police Station Khamgaon City, District Buldhana is hereby quashed and set aside.

Rule accordingly.

Pending applications, if any, also stand **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]

Namrata