



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

CRIMINAL APPLICATION (APL) No.1055 OF 2025

1. Rupam Vinaykumar Juare,
Aged about 27,
Occupation : Service,
R/o. Burdi Armori, Tah. Armori,
Distt. Gadchiroli.
2. Neha Vinaykumar Juare,
Aged about 31,
Occupation : Service,
R/o. Burdi Armori,
Tah. Armori, Distt. Gadchiroli. : APPLICANTS

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Armori,
Tah. Armori, Distt. Gadchiroli.
2. Atul Dilip Selote,
Aged about 35,
Occupation : Police Constable,
(Badge No.135), R/o. Armori,
Tah. Armori, Distt. Gadchiroli. : RESPONDENTS

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Mr. Parth Sagdeo, Advocate for Applicants.
Mrs. Sneha Dhote, Additional Public Prosecutor for Respondent No.1.

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

RESERVED ON : 06th NOVEMBER, 2025.
PRONOUNCED ON : 13th NOVEMBER, 2025.

JUDGMENT : (Per : Nandesh S. Deshpande, J.)

1. Heard. Admit. Heard finally by consent of learned counsel appearing for the parties.

2. The applicants have approached this Court by filing the present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the Final Report No.25 of 2022, dated 19.04.2022 arising out of First Information Report No.207/2021, dated 04.07.2021, registered with Police Station Armori, District Gadchiroli, for the offences punishable under Section 186 read with Section 34 of the Indian Penal Code, 1860.

3. As per the contents of the First Information Report respondent No.2 lodged a report with respondent No.1 on 04.07.2021, stating that on 21.06.2021, the Tahsildar, Armori had written a letter to the Police Station informing that the applicants had threatened to commit suicide, alleging that an illegal case, i.e. Crime No.155/2021, had been registered against them for offences punishable under Sections 353, 188, 272, 273 read with Section 34 of the Indian Penal Code. Pursuant thereto, on 28.06.2021, the father of the applicants was called to the Police Station and was directed to send the applicants for counselling. Upon their

appearance, the concerned officer of the Armori Police Station attempted to counsel and dissuade them from taking any extreme steps and, as a preventive measure, issued a notice under Section 149 of the Code of Criminal Procedure, 1973. The applicants were again summoned on 29.06.2021 and 30.06.2021 by the Police Officials for further counselling and were once more advised not to commit suicide. Subsequently, on 02.07.2021, the Sub-Divisional Police Officer, Armori visited the Police Station for conciliation with the applicants, however, they failed to appear despite due intimation.

4. On 03.07.2021, in view of the repeated threats by the applicants to commit suicide, preventive security measures were ordered at the Office of the Tahsildar, Armori. At about 04:10 pm, the mother and sister of the applicants arrived at the said office, and shortly thereafter, at approximately 04:20 pm, a white Hyundai i-10 car bearing registration number MH-33-V-1966 reached the premises. Upon inquiry, the father of the applicants pointed towards the back seat of the vehicle, stating that the applicants had consumed pills at about 4:30 pm. Based on the said medical findings and the prior threats made by the applicants to commit suicide, the Police registered an offence against them for the commission of offences punishable under Sections 309, 186, and 34

of the Indian Penal Code. It is this First Information Report and the consequent Final Report which is being assailed in the present application.

5. We have heard Mr. Parth Sagdev, learned counsel for the applicants and Mrs. Sneha Dhote, learned Additional Public Prosecutor for the respondent No.1.

6. The Learned Counsel for the applicants submits that a criminal case *vide* Crime no. 15 of 2021 under Sections 353, 188, 272,273 and 34 of the Indian Penal Code was registered against the applicants because of which the applicants on 03.07.2021 consumed pills of Avil-50 which subsequently resulted an overdose of “pheniramine malate”. Therefore, as the applicants had intimidated about committing suicide and tried to commit the same by overdosing themselves with “pheniramine malate” a First Information Report dated 04.07.2021 was registered against them under Sections 309, 186 and 34 of the Indian Penal Code. However, offence under Section 309 of the Indian Penal Code was dropped as there was no evidence available on record to support the allegations and make out materials of Section 309 of the Indian Penal Code.

7. The learned counsel for applicants submitted that an offence under Section 186 of the Indian Penal Code could not have

been registered at all against the present Applicant. Section 195 of the Criminla Procedure Code expressly bars the Court from taking cognizance of an offence punishable under Section 186 of the Indian Penal Code based on a police report cognizance for such an offence can only be taken upon a written complaint made by the concerned public servant or by a public servant to whom he is subordinate. In the present case, no such complaint has been filed as required under Section 195(1)(a) read with Section 190(1)(a) of the Criminal Procedure Code. Therefore, registration and continuation of proceedings under Section 186 of the Indian Penal Code are without jurisdiction.

8. On the other hand, the Learned Additional Public Prosecutor vehemently opposed the submissions advanced by the Counsel for the Applicants. The Learned Additional Public Prosecutor submits that investigating agency has collected the ample material showing the prima-facie involvement of the present applicants along with other accused persons in commission of crime and in view of the above, fair opportunity needs to be given to the prosecution to prove their case by conducting the full-fledged trial.

9. In the backdrop of these submissions we have perused the First Information Report and the consequent charge-sheet the only offence which now remains punishable under Section 186 of

the Indian Penal Code. Said Section speaks about obstructing public servant in discharge of public functions and contemplates that whoever voluntarily obstruct any public servant in discharge of public functions shall be punishable with imprisonment as provided under said Section. However, Section 195 of the Criminal Procedure Code specifically bars the trial Court from taking cognizance of offence punishable under the said Section except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate.

10. In the present case as can be seen from the First Information Report the same has been lodged by one Atul Dilip Selote, who happens to be a Police Personnel. It is, therefore, clear that the Court is barred from taking cognizance in view of specific bar under Section 195 of the Criminal Procedure Code. The resultant prosecution, therefore, would be an abuse of process of Court and, therefore, the situation would squarely fall within the parameters of judgment of the Hon'ble Apex Court, in the case of **State of Haryana and others Vs. Bhajanlal and others**, reported in **1992 Supp (1) SCC 335**, Para No.102, sub-para (6) observed as under :

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal

proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.”

11. We, therefore, pass the following order :

ORDER

(i) The application is allowed.

(ii) Final Report No.25 of 2022, dated 19.04.2022 arising out of First Information Report No.207/2021, dated 04.07.2021, registered with Police Station Armori, District Gadchiroli, for the offences punishable under Section 186 read with Section 34 of the Indian Penal Code, 1860 is quashed and set aside.

(iii) The application is disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)