IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

994 CRIMINAL APPLICATION NO. 3964 OF 2025

SACHIN LAXMAN GAVHANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.S.A.Ambilwade, Advocate for the Applicant.
Mr.S.K.Shirse, APP for the Respondent/State.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 30th OCTOBER, 2026

PER COURT :

1. Heard the learned Advocate for the Applicant and the learned APP.

2. The Applicant is praying for quashing and setting aside the FIR No.310/2021 dated 21.09.2021 registered for the offence punishable u/s 501, 408, 465, 469, 34 of the IPC and Sections 66b 2(1)(k), 66(43)(a), 43(a), 43(b), 643(i), 84(b) of the Information Technology Act r/w Section 5(d) of the Official Secrets Act, 1923 registered with Shirdi Police Station, Tq.Rahata, Dist.Ahmednagar and impugned order dated 24.11.2021 passed by the learned Trial Court

thereby taking cognizance and seeking quashing of charge sheet No.134/2021 dated 20.11.2021 registered for the offence punishable u/s 501, 408, 465, 469, 34 of the IPC r/w Section 66b (2)(1)(k), 66(43)(a), 43(a), 43(b), 643(i), 84(b) of the Information Technology Act r/w Section 5(d) of the Official Secrets Act, 1923 submitted in RCC No.785/2021 before the learned J.M.F.C. Rahata wherein the learned Trial Court issued summons to the accused for appearance in Sessions Case No.233/2024, in Sessions Court, Rahata. The aforesaid FIR came to be registered at the behest of Respondent No.2, who is serving as a Police Inspector at the relevant time.

3. As per the said FIR, on 31.07.2021, there was a meeting of the Committee made for the Shri Saibaba Sansthan Trust, Shirdi and therefore in order to attend that meeting, the Chairman and Members of the said Committee had come to the Shri Saibaba Mandir. The Committee members were desirous of having darshan and therefore they requested for having Darshan to the Authorities. However, at the relevant time, there were certain restrictions in view of the ongoing Covid Pandemic period and the State Government has issued a notification for closure of all the temples of the Maharashtra. When

the meeting dated 31.07.2021 was there, the aforesaid notification was not in existence, however, the Members of the Ad-hoc Committee of Shri Saibaba Sansthan has been appointed by this Court and attended the meeting and after the meeting, the Chairman as well as the members expressed their desire of having darshan and Aarti to the CEO. It is alleged that the members have performed Aarti and also took darshan and violated the orders passed by the State Government. CCTV footage of the said proceeding came to be recorded and the accused persons alleged to have forwarded those CCTV footage to the news reporters. On the basis of the said incident, the crime came to be registered against the Applicant. The Applicant is accused No.6 and alleged to have forwarded the incriminating CCTV footage to the outsiders and therefore the crime came to be registered against him and charge sheet also filed.

4. The learned Advocate for the Applicant submits that he is not employee of the Shri Saibaba Sansthan and as such he is not involved in the crime. At the relevant time, he was not on duty and no offence is made out against him. He is falsely implicated only to divert the attention of the public. Main accused are the office bearers of the

Sansthan and there is no substantial material against the Applicant so as to proceed against him for the offences registered in the FIR. He, therefore submits that when he is even not connected with the crime, then prosecution against him would be abuse of process of Law. The offences, which are registered against the Applicant are not at all attracted and therefore he prays for quashing of the FIR and further criminal proceedings arising therefrom.

5. Learned APP strongly opposed the instant application. He submits that the Applicant has forwarded the incriminating CCTV footage to the public, and therefore he is liable for the prosecution before the Trial Court. He further submits that the matter is fixed for framing of charge and it would be too early to held the accused not guilty of any offence. Hence prayed for rejection of the application.

6. After perusing the material placed on record, it is found that the accused namely Rajendra Jagtap, Vinod Kote and Chetak Sable are the employees of the Shri Saibaba Sansthan Trust. In order to darken the image of the Chairman and the members of the Committee, have published the CCTV footage with the help of other accused

persons i.e. Ajit, Rahul and Sachin Gavhane. Even the news papers also does not point out any specific role performed by the present applicant so as to attract the offences registered against him. The applicant is stated to be the agricultural labourer and is not at all concerned with the Trust of Shri Saibaba Sansthan. Learned Advocate for the Applicant, therefore, submits that the allegations made in the FIR as well as the material placed before this Court do not discloses any commission of offence at the hands of present applicant. FIR is registered against the accused persons, who are employees of the Sansthan. Even, there is no material to point out the present Applicant to be the employee of the said Sansthan.

7. In that view of the matter, the instant application is allowed. The FIR No.310/2021 dated 21.09.2021 registered for the offence punishable u/s 501, 408, 465, 469, 34 of the IPC and Sections 66b 2(1)(k), 66(43)(a), 43(a), 43(b), 643(i), 84(b) of the Information Technology Act r/w Section 5(d) of the Official Secrets Act, 1923 registered with Shirdi Police Station, Tq.Rahata, Dist.Ahmednagar and impugned order dated 24.11.2021 passed by the learned Trial Court thereby taking cognizance and seeking quashing of charge sheet

No.134/2021 dated 20.11.2021 registered for the offence punishable u/s 501, 408, 465, 469, 34 of the IPC r/w Section 66b (2)(1)(k), 66(43)(a), 43(a), 43(b), 643(i), 84(b) of the Information Technology Act r/w Section 5(d) of the Official Secrets Act, 1923 submitted in RCC No.785/2021 before the learned J.M.F.C. Rahata wherein the learned Trial Court issued summons to the accused for appearance in Sessions Case No.233/2024, in Sessions Court, Rahata, and the proceedings arising therefrom, are quashed and set aside.

8. The instant criminal application is disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)