



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 589 OF 2023.

Sharad Ramdas Mali,
Age 46 years, Occ. Legal Practitioner,
R/o. Mahaveer Park, at Post Dharangaon,
Tq. Dharangaon, Dist. Jalgaon.

.. Petitioner.

Versus

1. The State of Maharashtra
through it's Police Inspector,
Dharangaon Police Station,
Dharangaon, Dist. Jalgaon.
2. Police Inspector,
Local Crime Branch,
Jalgaon, Dist. Jalgaon.
3. Milind Ashok Sonar,
Dharangaon Police Station,
Dharangaon, Dist. Jalgaon.

.. Respondents.

Mr.Bhushan Mahajan, Advocate for the petitioner
Mr. A.R. Kale, APP for respondents.

CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.

DATE : 16 OCTOBER, 2024.

ORDER:-

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No. 86 of 2023 registered with Dharan Police Station, District Jalgaon, for the offences punishable under Sections 341, 143, 147, 149 of IPC and Section 37(1) and 37(3) punishable under Section 135 of the Maharashtra Police Act.

2. Heard learned advocate for the petitioner as well as learned APP for respondents.

3. It appears that respondent No.3 lodged FIR in his official capacity stating that on the day of incident, i.e. 22.3.2023, Honourable Minister for Agriculture was supposed to go from Amalner to Erandol, via Dharangaon. His convoy reached near Chopda road. At that time, the present applicant with 12 others persons who have been named and 7 to 8 other unnamed persons formulated unlawful assembly and by going in front of the convoy, forced the convoy to stop, then they threw cotton and empty curtains, raised slogan, thereby creating chaos. It is stated that they had put hurdle by restraining the Honourable Minister to proceed further.

4. The important point to be noted is that, every citizen has a right to agitate. Of course, this right is not the unfettered right but some times, when there are expectations from the Government, then, obvious reactions would be there. When it is said that cotton was thrown it is stated that petitioner, alongwith other farmers, was agitating in respect of

price offered. There could not have been then an intention or common object. It is not stated in the FIR that though the convoy was stopped, then the Honourable Minister had heard the representatives of the persons agitating there and therefore, it could not be said that there was any wrongful restraint. Though it is stated that prohibitory orders were promulgated with an intention to maintain public peace, every agitation can not be taken as disturbing the public peace.

5. Taking into consideration all these aspects, we take this to be a case where we should exercise our inherent powers under Section 482 for quashing the FIR. Hence, the following order :-

ORDER

[I] Criminal writ petition stands allowed.

[II] The FIR vide crime No. 86 of 2023 dated 22.3.2023 registered with Dharan Police Station, District Jalgaon, for the offences punishable under Sections 341, 143, 147, 149 of IPC and Section 37(1) and 37(3) punishable under Section 135 of the Maharashtra Police Act, stands quashed and set aside.

[III] Writ petition stands disposed of.

[S.G. CHAPALGAONKAR, J]

[SMT. VIBHA KANKANWADI, J]

grt/-