



plot owners. The third contention is that the petitioners were not present at the scene of offence at all.

2. Taking the last contention first, that is a matter of defence available to the petitioners. Besides, the investigation would unravel the ground reality and the fact situation. It is premature to accept the argument of the petitioners that the petitioners were not present at the scene of offence at the relevant time at all. Their presence has been mentioned in the F.I.R. on the basis of information given to the police during the enquiry. The fact whether they were really present or not, will be a matter of investigation and to be established in the trial, if need so arises.

3. That takes us to the first contention raised by the petitioners that no case is disclosed from the allegations contained in the F.I.R. This submission does not commend to us. On bare reading of the F.I.R, it does refer to the incident of 7 to 8 women and men obstructing the complainant from discharging his official duty in respect of proposed action regarding demarcation of the plot. That has been clearly stated in the F.I.R. The contents of the F.I.R, in our opinion, does make out a case of commission of cognizable offence.



4. To get over this position, learned Counsel contends that the F.I.R. does not record the fact that the petitioners were in fact the same 7 to 8 persons. In the first place, the F.I.R. will have to be read as a whole. On reading the F.I.R. as a whole, it is not possible to accept this submission. More over, all minor details need not find place in the F.I.R. Other matters can be gathered during the investigation and on the basis of material collected during the investigation, the criminal action can proceed against the concerned accused. Suffice it to observe that even this argument does not commend to us.

5. That takes us to the next contention of the petitioners that the F.I.R. registered is the product of malafide on account of the dispute between two plot holders/owners. This argument clearly overlooks the fact that the F.I.R. has been registered by the official of Public Works Department (P.W.D.) and not by private individual. We fail to understand as to how the argument of malafide can be available in such a situation. It would have been a different matter if the F.I.R. was registered by the neighbouring plot holder/owner, which is not the issue raised in the present Petition.



6. Taking overall view of the matter, the Petition is devoid of merits.

The same is dismissed.

7. In view of the disposal of the Petition, intervention application i.e.

Application No.508/2011 also stands disposed of.

(R.G.KETKAR, J.)

(A.M.KHANWILKAR, J.)