

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). _____ OF 2026
(Arising out of SLP(Crl.) No(s). 8692/2026)

ASHWINI ANANTRAO DESHPANDE

APPELLANT(S)

VERSUS

STATE OF MAHARASHTRA

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard Mr. Subodh S. Patil, learned counsel for the appellant and Mr. Shrirang B. Varma, learned counsel for the respondent-State.
3. The present appeal calls in question the correctness of the judgment/order dated 19-11-2025 in Criminal Appeal (APL)No.1684/2024 passed by the High Court of Judicature at Bombay at Nagpur. By the said judgment/order, the High Court

has declined to exercise jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS'). The prayer of the appellant to quash FIR No.0131/2021 dated 04.05.2021 registered at Police Station Achalpur, District Amravati Rural, Maharashtra for the offences punishable under Sections 186 and 189 of the Indian Penal Code, 1860 (for short, 'IPC') and under Sections 110 and 117 of the Maharashtra Police Act, 1951 (for short, 'MP Act'), as well as the prayer for quashing of the Chargesheet/Final Report Form bearing No.01/2021 bearing N.C.R.No.113/2021 pending before the Court of Judicature Magistrate First Class, Achalpur, District Amravati Rural, Maharashtra, was declined.

4. It is not disputed that summary of the case against the appellant, is as following:-

"XXXX

*10. First Information Contents (Substance of FIR):
It is humbly submitted that I, Sub-Inspector Snehal Aade, Age 30 years, working at Police Station Achalpur for two years past, was on duty from 14:00 to 20:00 hrs. on 04.05.2021. The D.O. duty officer, Ma. Station Commander Saheb, informed me by phone that the Forest Range Officer sent a letter (Ref. No. 393/2021, dated 04.05.2021) that Smt. Ashwini Anantrao Deshpande, Lekhapal at the Forest Range Office, Paratwada, was found in an intoxicated state at 13:00 hrs. on 04.05.2021 and was causing a disturbance. For investigation, the matter was being referred to the Sub-District Hospital, Achalpur, and forest*

department staff were being sent along. Accordingly, Ma. Station Commander Saheb directed us. We - P.C. Reshma Kadam B.No. 436, P.C. Dipak Mandve B.No. 2262, and Female Soldier Rani Constable No. 909 went to the Sub-District Hospital, Achalpur, and accompanied Smt. Ashwini Anantrao Deshpande and the Forest Range Office staff to the hospital for medical examination. She tried to resist the examination and was creating a scene; however, she was persuaded. Blood was collected, and the report was submitted to Police Station Achalpur, for action.

[Note: The FIR was assigned to the Court as a 'Misc. on Application. The application M.C.C. No. 267/2021 was filed on 21/05/21, was posted on 25/05/21, and was assigned to Court 2, Achalpur. The Court order was passed on 04.21/05/21.]"

5. The brief perusal of the allegations against the appellant clearly reveals that at best it was a case where the appellant was supposed to have resisted her own medical examination. It is also not disputed that subsequently she underwent the medical examination.

6. We are of the opinion that the act attributed to the appellant will not be covered in the phrase "*voluntarily obstructs any public servants in the discharge of his public function*" attracting offence under Section 186 of the IPC. The statements of the prosecution witnesses show that the appellant ultimately underwent the medical examination.

7. Section 189 of the IPC is attracted where a person holds

out a threat of injury to a public servant, or to a person in whom such public servant is interested, for the purpose of inducing such public servant to do an act, or to forbear or delay doing an act, connected with the exercise of his public functions.

8. On the face of it the requirements are not attracted. Equally, we are at a loss to understand how Sections 110/112 and 117 of the MP Act are attracted.

9. Section 110 of the MP Act prohibits, inter alia, the use of indecent language or behavior in a disorderly manner in a street, place of public resort, office, station or station house. Section 112 concerns the use of threatening, abusive or insulting words or behavior with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. Section 117 of the MP Act prescribes the penalty for contravention of the provisions contained in Sections 99 to 116.

10. In view of the above, taking the prosecution's case at its highest, the offences as alleged, are not attracted.

11. Accordingly, we allow this Criminal Appeal and set aside the order impugned dated 19.11.2025 passed by the High Court. The proceedings arising out of FIR No.0131/2021 dated 04.05.2021 and the consequential proceedings i.e. Chargesheet/Final Report Form bearing No.01/2021 mentioned hereinabove, hereby stand quashed.

12. Pending application(s), if any, shall stand disposed of.

..... J.
[K.V. VISWANATHAN]

..... J.
[ARUN PALLI]

NEW DELHI;
AUGUST 12, 2026.

ITEM NO.35

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 8692/2026

[Arising out of impugned judgment and order dated 19-11-2025 in CRLA(APL) No. 1684/2024 passed by the High Court of Judicature at Bombay at Nagpur]

ASHWINI ANANTRAO DESHPANDE

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

IA No. 128631/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 128635/2026 - EXEMPTION FROM FILING O.T.

Date : 12-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Mr. Subodh S. Patil, AOR

For Respondent(s) Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order, which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)