

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 2829 OF 2016**

**DR ATMARAM S/O VINAYAKRAO PALNITKAR AND OTHER  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHER**

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**Advocate for Applicants : Nagargoje Prashant M  
APP for Respondents: Mr.A.R.Borulkar  
Advocate for Respondent No.3 : Mr.M.B.Kolpe**

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**CORAM : A.V.NIRGUDE &  
V.L.ACHLIYA,JJ.**

**DATE : 15/07/2016**

**PER COURT :-**

The applicants are accused in Crime No.104/2016 registered at MIDC police station, Latur on 28/3/2016 for offences punishable under Sections 354-A, 509, 507, 506 of IPC. The applicants are teachers in a college. Complainant is also teacher in the same college. She alleged that for last 3 years the applicants were teasing and harassing her and trying to molest her. She made serious allegations against them one by one. The facts leading to this complaint in short can be stated as under :

2] The first complaint the respondent no.3 made was of October,

2015. In that complaint, she alleged that the applicants and others harassed her though she did not make specific allegations against specific person. This complaint was treated with sufficient seriousness and the case was referred to Vishakha Committee where full fledged enquiry took place. Before the committee statements were recorded which include that of respondent no.3. The committee however, rejected the complaint on the ground that it was found unbelievable and untrustworthy. It is thereafter on 26/3/2016, respondent no.3 was served with a show cause notice for departmental enquiry. On 28/3/2016 FIR was lodged. The allegations in the FIR included most of the allegations that were made before the Vishakha committee. In addition respondent no.3 included some new incidents that took place in January, 2016.

3] The question is whether this complaint and the prosecution launched pursuant to this complaint by the police deserve interference from this Court.

4] Respondent no.3's earlier complaint was taken seriously and was subjected to a detail enquiry as contemplated by law. There were 3 members in the committee, who recorded their findings after knowing the facts of the case. They came to an independent conclusion that respondent no.3 was making false allegations against

her colleagues. Report of the committee was published on 26/2/2016. The FIR which was lodged in March, 2016 does not contain any allegations of any incident which had taken place after February, 2016 and prior to 28/3/2016. There is one more significant factor which requires mention here. Respondent no.3's statement was recorded in December, 2015 before 'Vishakha committee'. The applicants were the accused before the committee. Before delivery of the report respondent no.3 alleged that, on 27/1/2016, the applicant no.1 the Principal of the college tried to molest her in Vice Principal's chamber. This allegation appears to us utterly untenable. Applicant no.1 at that time was facing enquiry. In such circumstance he would not dare to take any step which would jeopardize his own position. Besides, had this incident really occurred, respondent no.3 ought to have rushed to the committee which was still in session and lodged a fresh complaint.

5] We are therefore, convinced that complaint dated 28/3/2016 is a figment of lie. This also appears to us a spiteful retaliation against the show cause notice served on her on 28/3/2016, merely 2 days prior to the filing of the FIR. This case in our view is squarely covered by the judgment of Supreme Court in the case of **State of Haryana and others V/s Chaudhari Bhajanlal and others reported in AIR 1992 Supreme Court 604.** The facts clearly

indicate that the case is manifestly attended with *malafides* and the proceeding is maliciously instituted with ulterior motive for wreaking vengeance etc. In other words this case would fall within category no.7 mentioned in the judgment. We therefore, allow the application as prayed for. Crime No.104/2016 and R.C.C.No.267/16 pending before learned CJM stand quashed and set aside.

**(V.L.ACHLIYA,J.)**

**(A.V.NIRGUDE,J.)**

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