

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**CRIMINAL APPLICATION NO.5736 OF 2015**

(Smt.Shakuntalabai Raghuveersinha Parihar and another **Vs** The State
of Maharashtra and another)

Office Notes,Office Memoranda of Coram,appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.V.NIRGUDE & INDIRA K. JAIN, JJ. DATED : 23.03.2016
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Mr.V.D.Salunke, Advocate for the
applicants
Mr.M.M.Nerlikar, APP for the
respondent/ State

1. This application seeks
quashing of FIR No.279 of 15 dated
12.09.2015 of Jawahar Nagar Police
Station, Aurangabad for the offences
punishable under Sections 323, 504, 506
read with 34 of the Indian Penal Code
and offences punishable under Sections
3(1)(x) and 3(1)(xi) of the Atrocities
Act are alleged against the applicants.

2. On perusal of the complaint
and police papers, we found that the

alleged incident took place inside the room belonging to the accused. There are some eye witnesses who stated that they had seen the incident. But by no stretch of imagination, it can be said that the incident took place in public view.

3. In view of this Section 3(1) (x) and 3(1)(xi) of the Atrocities Act will not attracted to the facts of this case.

4. The applicant No.2 is accused of abusing the complainant. She also alleged that the applicant No.2 held her by shoulder and threatened to hit her with a stick and then abused her on the basis of her caste.

5. The question is whether the offence punishable under Section 3(1) (xi) of the Atrocities Act is attracted to such allegation? The answer is in negative. Use of force with an intent to outrage modesty or dishonor of a

woman is required to be alleged to attract the provision of this section.

6. We are aware that recently Section 3 is extensively amended and having regard to the amendments which are made applicable after commission of the offence, we are also of the same view that even amended Section 3 would not be applicable to the facts alleged in this case.

7. Therefore, the complaint would continue only under the Indian Penal Code offences alleged against the applicants in this case. The offences punishable under Sections 3(1)(x) and 3(1)(xi) of the Atrocities Act are quashed.

8. The application is partly allowed.

[INDIRA K. JAIN, J.] [A.V. NIRGUDE, J.]