

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1804 OF 2017

Waghoji s/o Shrawan Ranbawale,
Age-50 years, Occu:Service,
R/o-Ramhari Nagar, Bhoom,
Tq-Bhoom, Dist-Osmanabad.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through the Investigating Officer,
In Crime No.0049/2017,
registered with Bhoom Police Station,
Bhoom, Dist-Osmanabad,
- 2) Bhagyashree w/o Jaywrdhan Sukale,
Age-24 years, Occu:Household,
R/o-Ramhari Nagar, Bhoom,
Tq-Bhoom, Dist-Osmanabad.

...RESPONDENTS

...
Mr.D.A. Mane h/f. Mr. N.G. Talekar Advocate for
Applicant.

Mr.K.D. Munde, A.P.P. for Respondent No.1.
Mrs.S.K. Doke Advocate for Respondent No.2.

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**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE : 14TH JULY, 2017

ORDER :

1. Heard learned counsel appearing for the Applicant and learned A.P.P. appearing for the State and learned counsel appearing for Respondent No.2.

2. Learned counsel appearing for the Applicant invites our attention to the contents of the First Information Report (in short "F.I.R.") and submits that even if the allegations in the F.I.R. are read in its entirety, the ingredients of the alleged offences are not disclosed. There is considerable delay in lodging the F.I.R. He submits that on numerous occasions the quarrel took place between the Applicant and Respondent No.2 on petty reasons and due to earlier quarrels, out of vengeance the F.I.R. is registered against the Applicant. Therefore, relying upon the averments and grounds taken in the Application, he submits that the Application deserves to be allowed.

3. On the other hand, learned A.P.P. and learned counsel appearing for Respondent No.2 submits that even before the F.I.R. dated 9th March, 2017, on earlier two occasions the Applicant tried to outrage the modesty of Respondent No.2, however the same was resolved amicable so as to save the reputation of Respondent No.2. It is submitted that statement of Respondent No.2 under Section 164 of the Code of Criminal Procedure is recorded before the J.M.F.C. The learned counsel appearing for Respondent No.2 invites our attention to the averments in the affidavit-in-reply and submits that the Application be rejected.

4. Upon careful perusal of the affidavit-in-reply filed by Respondent No.2 and the allegations in the F.I.R., ingredients of offence under Section 354, 354(a) and 354(d) of the Indian Penal Code are attracted. Consequently, prima facie alleged offences have been disclosed. The delay in

lodging the F.I.R. cannot be the ground to quash the F.I.R. Suffice it to say that prima facie alleged offences are disclosed, which needs further investigation.

5. For the reasons afore-stated, the Criminal Application stands rejected.

[S.M. GAVHANE, J.]

asb/JUL17

[S.S. SHINDE, J.]