

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 901 OF 2017

- 1] Nilesh S/o Gangadhar Avhad,
Age: 35 years, Occu. Agriculture,
R/o. Village Korta, Taluka-Basmat,
District-Hingoli.
- 2] Nitesh S/o Gangadhar Avhad,
Age: 30 years, Occu. Agriculture,
R/o. As above.
- 3] Brijesh S/o Chandji Avhad,
Age: 28 years, Occu. Agriculture,
R/o. As above.
- 4] Kalyan Namdeo Avhad,
Age: 42 years, Occu. Agriculture,
R/o. As above.
- 5] Chandji Vitthalrao Avhad,
Age: 40 years, Occu. Agriculture,
R/o. As above.
- 6] Munjaji Shankar Borkar,
Age: 50 years, Occu. Agriculture,
R/o. As above.
- 7] Dattarao Mugaji Avhad,
Age: 42 years, Occu. Agriculture,
R/o. As above.
- 8] Hanuman Umaji Avhad,
Age: 22 years, Occu. Agriculture,
R/o. At Post- Shendursana,
Taluka – Aundha, Dist. Hingoli.

... APPLICANTS
(Orig. Accused Nos.2 to 9)

VERSUS

- 1] The State of Maharashtra,
Through Police Station Officer
Kurunda, Police Station,
Kurunda, District – Hingoli.
- 2] Saraswati Vitthalrao Bhokre,
Age: 30 years, Occu. - Business,
R/o. Korta, Taluka – Basmat,
Dist. Hingoli.
At present residing at
Chaitanya Nagar, Nanded.

... RESPONDENTS
(No.2 – Orig. Complainant)

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Mr. Swapnil S. Rathi, Advocate for Applicants.

Mr. S. J. Salgare, APP for Respondent No.1 / State.

Mr. Ganesh P. Shinde, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &**
SMT. VIBHA KANKANWADI, JJ.

DATE : 19th November, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard
both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of

Criminal Procedure for relief of quashing of FIR No.84 of 2016, registered with Kurunda Police Station, District Hingoli, for the offences punishable under Sections 366, 376, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2. She has made allegations mainly against Amol Avhad. She was deserted by her husband and she has contended that by giving false promise of marriage, Amol exploited her sexually and then refused to marry with her. The different places where she was taken by Amol are mentioned in the FIR. She has made allegations against the present Applicants that they had tried to settle the dispute between her and Amol. It is her contention that on 29th May, 2016, she learnt that the present Applicants and others were helping Amol in getting married with other girl and when she questioned, Applicants Nilesh Avhad and Hanuman Avhad assaulted her.

4 A copy of another report given by the same lady on 30th May, 2016 is produced on record and in this report altogether different

allegations were made by this lady against Amol Avhad and the present Applicants. She had contended that she had given some hand loan to Amol due to false representation made by him and when she started demanding back the money, present Applicants quarreled with her and in the quarrel, Amol, Nilesh and Hanuman assaulted her. In the report dated 30th May, 2016, incident dated 29th May, 2016 mentioned in the present FIR, was not mentioned. In any case, there are no allegations that the present Applicants had exploited the lady sexually. In view of these circumstances, this Court holds that it will be abuse of process of law if the case is allowed to be filed against the present Applicants for the aforesaid offences. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. Rule is made absolute in aforesaid terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]