

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

**CRIMINAL APPLICATION NO. 938 OF 2018**

1. Subhash S/o. Manik Rahinj,  
Age : 28 years, Pcc. Agri.,
  2. Manik S/o. Vithoba Rahinj,  
Age : 68 years, Occ. Housewife,
  3. Pushpa W/o. Manik Rahinj,  
Age : 65 years, Occ. Agri.,
- All R/o. Rahinjawadi, Kashti,  
Tq. Shrigonda, Dist. Ahmednagar.

... **APPLICANTS**  
(Orig. Accused)

**VERSUS**

1. The State of Maharashtra,  
Through Investigation Officer,  
Shrigonda Police Station,  
Tq. Shrigonda, Dist. Ahmednagar.
2. Savita W/o. Premraj Rahinj,  
Age : 30 years, Occu. Agri.,  
R/o. Rahinjawadi, Kashti,  
Tq. Shrigonda, Dist. Ahmednagar.

... **RESPONDENTS**  
(Orig. Complainant)

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Mr. Narayan B. Narwade, Advocate for Applicants.  
Mr. S. J. Salgare, APP for Respondent No.1.  
Mr. S. A. Gaikwad, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &  
K. L. WADANE, JJ.**

DATE : 19<sup>th</sup> June, 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.266 of 2018, registered with Shrigonda Police Station, Taluka Shrigonda, District Ahmednagar on 24<sup>th</sup> March, 2018, for the offences punishable under Sections 354(A), 323, 504 and 506 read with 34 of the Indian Penal Code.

3 The FIR was given by present Respondent No.2. The present Applicants are her neighbours in the village. Applicant No.1 is the son of Applicant Nos.2 and 3. Agricultural land of the Applicants is also situated adjacent to the land of the first informant. There is dispute between the family of first informant and the Applicants over the residential property and also agricultural property.

4 First incident took place on 21<sup>st</sup> March, 2018. On that day, the first informant approached the police and gave report against

the Applicants that they had given threats to her and they were insisting that she should withdraw the previous case filed against them. The incident in question took place on 24<sup>th</sup> March, 2018. On that day, at about 05:00 pm, when she was returning from the field, the Applicants intercepted her. She has made allegations that the Applicants picked up quarrel with her and during the quarrel Applicant No.1 assaulted her, held her and virtually caused tier in her blouse and pressed her and in that way insulted her modesty. Allegations are made against Applicant Nos.2 and 3, father and mother of Applicant No.1, that during the incident, they gave abuses and threats.

5 Papers of investigation include statements of some witnesses to whom disclosure was made about the incident by the first informant and they are all her relatives.

6 The aforesaid material shows that specific allegations are made only against Applicant No.1 and they are serious in nature. Allegations made against Applicant Nos.2 and 3 are vague in nature. Further, there is dispute between the two families over the immovable property. Due to these circumstances, this Court holds that the relief

can be granted to Applicant Nos.2 and 3.

7           The learned counsel for Applicant No.1, on instructions, submitted that he wants to withdraw the application of Applicant No.1.

In the result, the following order is passed:

### **ORDER**

- I. Application of Applicant No.2 Manik and Applicant No.3 Pushpa is allowed.
- II. Application of Applicant No.1 Subhash is disposed of as withdrawn.
- III. Relief is granted in favour of Applicant Nos.2 and 3 in terms of prayer clause (B).
- IV. Investigation as against Applicant No.1 needs to be made and it needs to be taken to its logical conclusion.
- V. Rule is made absolute in those terms.

**[ K. L. WADANE, J. ]**

**[ T. V. NALAWADE, J. ]**