

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

CRIMINAL APPLICATION NO. 1507 OF 2018

Shaikh Mohammed Juned Mohammed Jalal,
Age 23 years, Occu : Legal Practitioner,
R/o. H.No. 9-4-313, Juned Glow,
Hyderabad Road, Degloor Naka,
Near Iqura School, Nanded.

... APPLICANT

VERSUS

- 1] The State of Maharashtra,
Copy to be served on the Public
Prosecutor, High Court of Bombay
Bench at Aurangabad
(Through Vazirabad Police Station,
Nanded.)
- 2] Rukhsar Begum w/o Sayyed Jalil,
Age 35 years, Occ: Household,
R/o. Dulheshah Raheman Nagar,
Nanded.
- 3] Law Secretary,
Law and Judiciary Department
Maharashtra State, Mantralaya,
Mumbai-32.
- 4] The Registrar,
General High Court of Judicature
of Bombay, Bombay High Court,
Mumbai.

... RESPONDENTS

...
Mr. N. S. Ghanekar, Advocate for Applicant.

Mrs. V. S. Choudhari, APP for Respondent No.1 / State.

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

DATE : 29th August, 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.52 of 2018, registered with Vazirabad Police Station, District Nanded, for the offence punishable under Section 354 of the Indian Penal Code.

3 The report submitted by police shows that during investigation, they tried to collect the material and for that, they attempted to contact the first informant. First written notices were given under Section 160 of the Code of Criminal Procedure and as the report was received that she was not residing at the address, search was made for her. Then the person, who was using the simcard bearing mobile number of the first informant was contacted

and he informed that he did not know the first informant.

4 Allegations are made by the first informant, who is lady that she is a married woman and one month prior to the date of report, she had lost her mobile handset in vegetable market. It is her contention that when she called that number by using other phone, one person picked up the call and he informed that he had found the mobile handset in the market place. It is her contention that the person then came to her residential place and returned the mobile handset to her. It is her contention that the said person started contacting her on her mobile and started saying that he was in love with her. It is her case that on 20th March, 2018 at about 01:00 pm when she was present in the market, said person, present Applicant came there and held her hand. It is her case that she somehow rescued herself and returned to the home and then she gave report. The report was given on 21st March, 2018.

5 As there is a report of aforesaid nature of police and police could not trace the lady and the mobile number given by her in the FIR was in the name of other person and he did not know the lady, it can be said that an attempt is made to harass the Applicant,

who is a legal practitioner by making such allegations. In view of these circumstances, this Court holds that relief needs to be granted to the Applicant. 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 those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]

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