

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

CRIMINAL APPLICATION NO. 5802 OF 2013

1. Vikram s/o Panditrao Dhere,
Age 30 years, Occupation Student,
Residing at Iralad, Taluka Gangakhed,
District Parbhani.

2. Babasaheb s/o Lakshmanrao Dhere,
Age 26 years, Occupation Advocacy,
Residing at above address.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through the Superintendent of Police,
Parbhani.

2. The Senior Police Inspector,
Gangakhed Police Station, Gangakhed,
District Parbhani.

3. Mrs. Rukhminibai w/o Ram Kale,
Age 35 years, Occupation Labour,
Residing at Naralad, Taluka Gangakhed,
District Parbhani.

... RESPONDENTS

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Mr. Hemant Surve, Advocate for Applicant.

Mrs. P. V. Diggikar, APP for Respondent Nos.1 & 2.

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

DATE : 31st July, 2018.

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

. The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.251 of 2013, registered with Gangakhed Police Station, District Parbhani, for the offences punishable under Sections 452, 354, 323, 504 506 and 34 of the Indian Penal Code.

2 Both the sides are heard.

3 Respondent No.3 has given report against the present Applicants and in that report, she has made allegations that on 21st September, 2013 at about 08:00 pm when she was present in the house with her two sons, the Applicants came to her house and they picked up quarrel. It is her contention that during quarrel, Applicant No.2 held her hands and Applicant No.1 pressed her chest and due to that, she felt insult to her modesty. She has made allegations that she was assaulted also and due to that she sustained some injuries. It is her contention that when she shouted for help, neighbours and her relatives rushed there and after that, the Applicants ran away from the house. Police papers contain injury certificate and it shows that

on 21st September, 2013 at about 02:10 pm, she was examined and injuries were found on her person like blunt trauma. Though the date is not matching with the date given in the FIR, other circumstances show that some incident did take place.

4 The learned counsel for Applicants drew attention of this Court to another FIR bearing FIR No.250 of 2013, which was given by Applicant No.1, Vikram. In that FIR, incident dated 21st May, 2013 is mentioned and it is contended that at about 07:30 to 08:00 pm when he was returning with Applicant No.2 to home, present Respondent, her husband and 11 other persons of Pardhi community intercepted them and assaulted them. It is the contention that they had become angry as in the past, complaint was given against them to police. Allegations are made that severe beating was given to Vikram and he sustained injuries in that incident. The FIR was given on 22nd September, 2013, when the incident took place on 21st September, 2013. Thus, time of incident given in both the matters is the same.

5 There is copy of one more FIR of bearing C.R. No.207 of 2013 dated 10th August, 2013 and it shows that the father of Applicant No.1 had given report against the husband of Respondent and

allegations were made that in the incident dated 9th August, 2013, beating was given by the husband of Respondent to Pandit. That crime was registered for the offences punishable under Sections 341, 323 etc. of the Indian Penal Code.

6 The learned counsel for Applicants submitted that the Applicant was indoor patient in Government hospital firstly in Selu and then in General Hospital, Parbhani. Record of Selu hospital is not available with the Applicants and no such record is there in police papers. Xerox copy of discharge card prepared by civil hospital is produced and it shows that in civil hospital, Vikram was admitted on 22nd September, 2013. It was submitted that, at the time given by the Respondent, Vikram was indoor patient in Selu hospital and so false allegations are made against the Applicants. This submission is not acceptable. Firstly, there is no such record and secondly, two FIRs appear to be cross FIRs as time mentioned in both the FIRs is same. It cannot be said that false allegations are made against the Applicants. There was a dispute and relations were strained. In the result, the following order is passed:

ORDER

- I. The application is dismissed.
- II. Interim relief, if any, is vacated.
- III. Rule is discharged.

[K. L. WADANE, J.]**[T. V. NALAWADE, J.]***ndm*