

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.1/2018

(GULAB MADHUKAR NALE & OTHERS VERSUS STATE OF MAHARASHTRA, THR. PSO PS RAJURA
& ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri H.N. Potbhare, counsel for the applicants.
Shri B.M. Lonare, A.P.P. for the NA-1.
Shri V.N. Morande, counsel for the NA-2.

CORAM : SMT. VASANTI A NAIK AND
A.D. UPADHYE, JJ.

DATE : JANUARY 30, 2018.

By this criminal application, the applicants seek the quashing and the setting aside of the first information report registered against the applicants for the offence punishable under Sections 354, 323 read with Section 34 of the Penal Code.

On a perusal of the complaint lodged by the non-applicant no.2 on 13.12.2017, it cannot be said at this stage that even if the allegations made in the report lodged by the non-applicant no.2 are accepted at their face value, an offence under Section 354 of the Penal Code cannot be made out. The submission made on behalf of the applicants that there is nothing to show that the applicants did not intend to outrage the modesty of the non-applicant no.2 or had knowingly tried to outrage the modesty of the non-applicant no.2 cannot be appreciated while considering an application for quashing of the first information report under Section 482 of the Code of Criminal Procedure. Whether the allegations in the complaint are true or not and/or whether the applicants had intentionally tried to outrage the modesty of the non-applicant no.2 could be decided in the proceedings that are pending before the Judicial Magistrate First Class.

In the result, we dismiss the criminal application.

JUDGE

JUDGE

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