

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3250 OF 2018

Ankush s/o. Asaram Lokhande,  
Age 29 years, Occu. Head Master,  
R/o. Old Bhavsingpura, Chawani,  
Aurangabad, Dist. Aurangabad.

**....Petitioner.**

**Versus**

1. The State of Maharashtra  
Through Chawani Police Station,  
Aurangabad, Dist. Aurangabad.
2. Jyoti w/o. Deepak Katkar @ Surse,  
Age 30 years, Occu. Teacher,  
R/o. N-11, Subhashchandra Bose  
Nagar, Shop No. 4 & 5, Hudco,  
Aurangabad.

**....Respondents.**

Mr. A.D. Raut, Advocate for applicant.

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

**CORAM : T.V. NALAWADE AND  
MANGESH S. PATIL, JJ.**  
**DATED : 11/04/2019.**

**JUDGMENT : [PER T.V. NALAWAD, J.]**

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

2) The proceeding is filed for relief of quashing of F.I.R. No. 303/2018 registered with Chavni Police Station, Aurangabad for the offences punishable under sections 354, 354-D, 506 of Indian Penal

Code.

3) The crime is registered on the basis of report give by respondent No. 2. Respondent No. 2 is working as a teacher in Dnyansampada Primary School, Bhavsingpura, Aurangabad and applicant has been working there as Head Master. Respondent No. 2 is working on the post for which there is grant in aid. It is the grievance of the respondent No. 2 that from about three months prior to the date of F.I.R., no salary was paid to her and she had made representation to the President of the institution which runs the school.

4) It is the case of respondent No. 2 that on 3.7.2018 at about 12.00 to 12.30 noon she was called to the cabin by the applicant and applicant said to her that she was looking beautiful and she needs to allow her to have sexual relations with her. It is her contention that he gave threat that if she does not give consent, he would stop giving salary. It is her contention that on that occasion, the applicant had held her and molested her.

5) It is the case of respondent No. 2 that on 19.10.2018 at about 5.30 p.m. she went to the residential place of applicant with her husband and on that occasion, the applicant assaulted her

husband and held her hand. It is her contention that she had gone to the house of applicant to request him to release the salary withheld and then she had given report to President also. It is contended that on 17.10.2018 threats were given to her by the applicant. She approached police on 19.10.2018 and crime came to be registered.

6) Both the sides have produced so many documents. It appears that in respect of incident dated 19.10.2018 the applicant had approached police to make the complaint and he was referred for medical examination. He had contended that he was assaulted by respondent No. 2 and her husband on 19.10.2018 after entering his residential place. There is such record of M.L.C. and then there is copy of F.I.R. No. 304/2018 registered on 20.10.2018 at 00.14 hours for offences punishable under sections 452, 327, 504, 506, 323 and 34 of I.P.C. The M.L.C. also shows that history of assault was given and police had referred the applicant to Government Hospital. Blunt trauma was found on his abdomen and chest. Though the F.I.R. given by respondent No. 2 was registered at C.R. No. 303/2018, previous to the registration of F.I.R. given by the applicant, the fact remains that respondent No. 2 is admitting that on that day she and her husband had gone to the residential place of applicant and there some incident took place. The police papers contain the statements

of neighbours of applicant and they show that they are against the respondent No. 2 and her husband.

7) There is record to show that the parents of so many students of that school had made complaint against respondent No. 2 that she was not paying attention to the students and the students were not making progress in the subjects which were given to respondent No. 2. The record and complaints against her is starting from two years prior to incident. The authority had also intervened and had made enquiry. The other staff supported the applicant during enquiry. Thus, there is record to create a probability that respondent No. 2 was not performing the duty properly and due to that some action like stopping the payment of salary was taken against her.

8) Though the allegations made against applicant are serious in nature, in view of record available which is mentioned above and the circumstance that in respect of the incident dated 3.7.2018 the report was given on 19.10.2018 and which was in respect of molestation, this Court holds that it will be abuse of process of law if the applicant is made to face the trial for such offence. It can be said that the allegations are false and only to pressurize the authority, such serious allegations are made. There is

no support to the aforesaid serious allegations. In the result, the application is allowed. Relief is granted to the applicant in terms of prayer clause 'B'. Rule is made absolute in those terms.

[ MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]

SSC/