

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

CRIMINAL APPLICATION NO. 3475 OF 2018

1. Ashok S/o Shamrao Shinde,
Age 59 years, Occu: Retired,
R/o 'Usha', Dwarkapuri,
Eknath Nagar, Aurangabad.
2. Jijabai w/o Ashok Shinde,
Age 51 years, Occ: Business,
R/o 'Usha', Dwarkapuri,
Eknath Nagar, Aurangabad.

... APPLICANTS / ACCUSED

VERSUS

1. State of Maharashtra,
Through Osmanpura Police Station,
Aurangabad.
2. Pallavi D/o. Dilip Landge,
C/o. Dilip Landge, Police Constable
At Ambad Police Station,
Age 22 years, Occ: Education,
R/o. Police Colony, Ambad, Dist. Jalna.

**... NON-APPLICANTS /
RESPONDENTS**

(Non-applicant no.2 is Original Informant)

...

Mr. Sushil M. Biyani, Advocate for Applicants.

Mr. S. B. Joshi, APP for Respondent No.1 / State.

Ms Neha Kamble, Advocate for Respondent No.2 (Appointed).

...

CORAM : **T. V. NALAWADE &
MANGESH S. PATIL, JJ.**

DATE : 25th April, 2019.

ORAL 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 for relief of quashing of FIR No.153 of 2018, registered with Osmanpura Police Station, District Aurangabad, for the offences punishable under Sections 452, 504 and 506 read with 34 of the Indian Penal Code.

3 Report is given by a girl aged about 22 years. She was living in the hostel of the present Applicants. There were 17 similar girls. It is her contention that initially they were paying charges in respect of stay and it was not compulsory for them to engage the mess of the hostel. She has contended that mess facility was started by the hostel and it was made compulsory. It is her grievance that the quality of the food supplied by the mess was not proper and due to

that the quarrel started. She has mentioned the incident dated 19th September, 2018 and she has contended that when she questioned about the quality of the food, the Applicants had quarreled with her. It is her contention that on that night without taking her permission they entered her room and they asked her to leave the hostel. It is her case that she had sought had sought time till next day, but she was made to leave the hostel at about 09:00 am on 20th September, 2018. She gave report to police on 21st September, 2018.

4 The papers of investigation show that no girl of that hostel came forward to support the allegations made by the first informant in the present matter. On the contrary, there are statements showing that she was picking quarrels and she had disturbed the peace of the hostel. The learned counsel for Applicants submitted that CCTV were fixed in the hostel. The learned APP submitted that CCTV footage was perused by the police, but it did not reveal the incident as alleged by the first informant. In front of the room of the first informant, there was no camera though cameras were fixed at other place. She has left the hostel. In view of the aforesaid circumstances, this Court holds that it will be abuse of process of law if the Applicants are made

to face the trial for the aforesaid offences. 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. The fees of the appointed counsel is quantified as Rs.3,000/- and it is to be paid through the High Court Legal Services Authority.
- IV. Rule is made absolute in those terms.

[MANGESH S. PATIL, J.]

[T. V. NALAWADE, J.]

ndm