

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION 3804 OF 2018

Ramesh S/o Uttam Jadhav
Age 28 years, Occupation-Advocate
R/o Fakir Jawala, Tq. Dharur,
Dist.Beed.

... APPLICANT
[Orig.Accused No.2]

Versus

1] The State of Maharashtra
Through Police Station Officer,
Police Station Sirsala,
Tq. Wadwani, Dist.Beed.

2] Ashwini d/o Suryabhan Jadhav,
Age 16 yrs, Occu-Education
R/o Fakir Jawala Tanda No.2,
Tq.Dharur, Dist.Beed.
Minor & under guardianship
of her father Suryabhan Jadhav
Age 47 years, Occ-Teacher,
R/o Fakir Jawala Tanda No.2,
Tq.Dharur, Dist.Beed.

... RESPONDENTS
[Res.No.2 is orig.informant]

Mr.S.J.Salunke, Advocate for applicant.
Mr.M.M.Nerlikar,APP for Respondent State
Mr.P.N.Mulay for respondent no.2

**CORAM : T.V.NALAWADE,&
MANGESH S. PATIL, JJ.
DATE : 26/04/2019**

ORAL JUDGMENT [PER T.V.NALAWADE,J.] :

Rule. Rule is made returnable forthwith. By consent of parties,

Application is heard finally.

2] Amendment be carried out in main proceeding to give correct name of the Act.

3] The application is filed for relief of quashing of FIR 283/2018 registered with Sirsala Police Station, Tq.Parli, Dist.Beed for offences punishable under Sections 354A, 504, 506 read with Section 34 of IPC and for offences punishable under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

4] The crime is registered on the basis of report given by victim girl aged 16 years. She has made allegations that on 21/10/2018 when her parents and brother were not at home and she was alone, one Bandu Bhagwan Pawar who was harassing her continuously for six months came to her house and he held her hand with bad intention. According to her he said that he would take her away and she should come with him. She raised shouts and due to that other persons like Balu Jadhav and Pandit Jadhav arrived there and after that Bandu Pawar ran away.

5] On 22/10/2018 when the relatives of the victim girl went to Bandu Pawar to question about the incident dated 21/10/2018, present applicant was present there. Allegations are made that it transpired to the first informant victim girl that present applicant was helping Bandu Pawar. She has made allegation that on 22/10/2018 present applicant gave threat of life and told that if case is filed against Bandu Pawar he would finish them. She alongwith her parents went to the Police Station and complaint was given.

6] On the basis of police papers it can be said that offence was committed on 21/10/2018 and on that day, the victim was alone, her parents did not approach police and they preferred to make more inquiry and then second incident took place. It cannot be said that second incident had connection with the first incident as second incident took place only due to questioning about first incident by relatives of the first informant. Only due to allegation of aforesaid nature, the present applicant who is also advocate and who had come there to help Bandu Pawar as he was his brother in law, it cannot be said that he abetted act of Bandu Pawar and he joined hands with Bandu Pawar to commit offence. It is open in such cases to file separate proceeding against such person but such person cannot be tried jointly with the main accused for first offence in case like present one. This Court holds that relief needs to be granted.

7] In the result application is allowed. The relief is granted in terms of prayer Clauses-C, C-1 to C-3. Rule is made absolute in those terms.

(MANGESH S. PATIL,J.)

(T.V.NALAWADE,J.)

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