

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 3806 OF 2018**

1. Savita Sambhaji Waghmare,
Age : 48 Years, Occ. Lecturer,
R/o. Flat No. 16, Aajanta Complex,
Wasundhara Colony, Near
Nandanvan Colony, Aurangabad
2. Shivangi Anilrao Khandare,
Age : 36 Years, Occ. Lecturer,
R/o. Flat No. 401, Plot No.1/2, Gut
No.15, Vijay Residency, Near Ganga
Godavari Lawns, Aurangabad.

...APPLICANTS

VERSUS

1. The State of Maharashtra
Through Investigation Officer,
Crime No. 0499/2018
Satara Police Station,
Aurangabad.
2. Bharati Sandu Jadhav,
Age : Major, Occ. Household,
R/o. Amrut Sai Plaza Apartment,
1st Floor, Flat No. S-19, S Wing,
Phase-II, Near Silk Milk Colony,
Railway Station Road,
Aurangabad.

..RESPONDENTS

....

*Advocate for the Applicants : Mr. S. B. Rajebhosale
and S.G. Ghongade*

A.PP for respondent-State : Mrs. Vaishali Patil Jadhav

.....

**CORAM :T.V. NALAWADE AND
K.K. SONAWANE ,JJ.
DATE : 26th AUGUST, 2019.**

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

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

2. Learned counsel for the first informant did not turn up even when it was made clear that matter was kept for final disposal.

3. The crime is registered on the basis of report given by respondent No.2. At the relevant time, she was living in a rented premises with her two kids. Her husband has deserted her. It is her contention that due to present applicants she became acquainted with Sambhaji Waghmare and Sambhaji then started visiting her residential place. It is her contention that on 20.07.2017, after 10.30 a.m when she was present alone in the house, Sambhaji entered her room and by using force he raped her.

4. The informant has made allegations against the present applicants that when she narrated the incident to the present applicants, they gave abuses to her and they also gave threats to her. She gave report to the police on 01.12.2018.

5. Submissions made show that present applicants are working as Lecturers. At any stretch of imagination, it cannot be said that the so called incident in which the applicants gave abuses to the informant when she tried to obtain their help had taken place in the course of

same main incident. In view of these circumstances and as in the record of investigation there is nothing to support the allegations made by the informant against the present applicants. this Court holds that it will be abuse of process of law, if the present applicants are made to face the trial for the offences punishable under Section 504, 506 of the Indian Penal Code for which the charge sheet is filed against them. In the result, following order

ORDER

1. The application is allowed.
2. Relief is granted to the applicants in terms of prayer clause 'B' and relief is only to the extent of only present applicants.
3. Rule made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

YSK/