

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

CRIMINAL APPLICATION NO. 999 OF 2019

Nandlal S/o. Kishanrao Lokde,
Age 41 years, Occ. Private service,
R/o. Chikna, Tq. Dharmabad, Dist. Nanded.
A/p: Zilla Parishad Campus, Nanded.

... **APPLICANT**
(Orig. Accused)

VERSUS

- 1) The State of Maharashtra,
Through its Investigating Officer,
Bhokar Police Station, Tq. Bhokar,
Nanded.
- 2) Pranita D/o. Nivrutti Kamble,
Age 35 years, Occ. Service as
Supervisor, in Panchayat Samiti,
Bhokar, Tq. Bhokar,
District Nanded.

... **RESPONDENTS**
(Respdt. No.2 – Orig. Complainant)

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Mr. C. V. Thombre, Advocate for Applicant.

Mr. K. S. Patil, APP for Respondent No.1 / State.

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CORAM : **T. V. NALAWADE &
M. G. SEWLIKAR, JJ.**

DATE : 27th February, 2020.

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.148 of 2018, registered with Bhokar Police Station, Tahsil Bhokar, District Nanded, for the offences punishable under Sections 354, 323 and 506 of the Indian Penal Code. Relief is also claimed of quashing of proceeding of R.C.C. No.91 of 2018, which is pending in the Court of learned Judicial Magistrate First Class, Bhokar and which is filed in the aforesaid crime.

3 This Court has carefully gone through the record of investigation. As the incident allegedly took place in the campus of Bhokar Sub Division of District Court and as there were no statements of the officers of Court like Superintendents where the visiting rights were to be exercised by the present Applicant, a direction was given by this Court to see that inquiry is made with those officers. The record which was produced before this Court shows that on 14th February, 2019 inquiry came to be made with some Advocates and

the Superintendent of the Court of Civil Judge (Senior Division) where the father of the child was expected to exercise the visiting right. The statements show that the informant quarreled with the present Applicant and it was routine for everybody. After the quarrel, the officer had requested the Advocates of both the sides to take them outside and to settle the dispute and then they had left the cabin of the Superintendent. The statement of one Advocate shows that no incident in which molestation as alleged took place in his presence.

4 The contents of FIR show that there is no specific description of the incident of molestation. Divorce has taken place between the present Applicant and informant and it appears that the father is given visiting right and for that every time the child is required to be brought to the Court premises. Due to all these circumstances, this Court holds that it will be abuse of process of law if the present Applicant, father of the child, is asked to face the trial for 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-1).

III. The counsel appointed to represent the informant remained absent.

IV. Rule is made absolute in those terms.

ndm

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]