

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

CRIMINAL WRIT PETITION NO. 563 OF 2018

Sau. Sunanda Deelipkumar Bhamre,
Age 56 years, Occu. Service,
R/o. Plot No. 2, Shastrinagar,
Dondaicha, Tq. Sindkheda,
District Dhule.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Police Inspector,
Dondaicha Police Station,
Tq. Sindkheda, District Dhule.
2. Smt. Asha Sahebrao Chaudhari,
Age 28 years, Occu. Labour work,
R/o. Mahadeopura, Near Idgah,
Dondaicha, Tq. Sindkheda,
District Dhule.

....Respondents.

WITH
CRIMINAL WRIT PETITION NO. 554 OF 2018

Mahendra Adhar Patil,
Age 45 years, Occu. Service,
R/o. Hudco, Dondaicha,
Tq. Sindkheda, District Dhule.

....Petitioner.

Versus

1. The State of Maharashtra
Through the Police Inspector,
Dondaicha Police Station,
Tq. Sindkheda, District Dhule.
2. Smt. Asha Sahebrao Chaudhari,
Age 28 years, Occu. Labour work,
R/o. Mahadeopura, Near Idgah,

Dondaicha, Tq. Sindkheda,
District Dhule.

....Respondents.

Mr. V.D. Hon, Senior Counsel i/b. Mr. A.V. Hon, Advocate for petitioner.

Mrs. V.N. Patil-Jadhav, APP for respondent No.1/State.

Mr. R.K. Ingole, Advocate for respondent No. 2.

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

DATED : 16/01/2020.

JUDGMENT :

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

2) The crime is registered on the basis of report given by respondent No. 2, mother of the victim girl. The victim girl was aged about 5 years. The incident in question took place on 8.2.2018. The victim girl was reached to the school by her brother. When she returned from school, she complained the mother that she had abdominal pain. When mother examined victim girl, she noticed that blood was coming out from the private part of the victim girl and there was some injury at the private part. She was treated in home by bringing some medicines. But, there was no improvement in condition of the victim girl. Then she was taken to dispensary of Dr. Bachav who

gave her treatment. Then she was taken for better treatment on 11.2.2018 to Jalgaon and she was examined in Civil Hospital. Doctor from Civil Hospital expressed that there was possibility of sexual assault on the victim girl. After considering that possibility, when mother made inquiry about the incident with the victim girl, she disclosed that on that day when she was eating tiffin in the recess, one man came to her, he gave her Cadbury chocolate and by taking her to lonely place, he misbehaved with her.

3. After learning about the aforesaid incident, mother and the victim girl went to the school to make inquiry. When the inquiry was made to Smt. Bhamre, one of the applicants, the applicant gave evasive answer. Then the mother of the victim girl expressed that they would approach the police. After that the persons of the management visited the residential place of the informant and requested her not to give report to police as such report was likely to defame the school. On 16.2.2018 they approached the applicants and they made inquiry, but they could not get satisfactory answers from them. Ultimately, the mother approached police on 18.2.2018 and gave report and the crime came to be registered for the offence punishable under sections 376, 506 of Indian Penal Code and few sections of

Protection of Children from Sexual Offences Act.

4. The submissions made and the record of investigation show that the person who had committed aforesaid wrong was traced. He was arrested and he is behind bars now. The submissions made show that two proceedings like Criminal Writ Petition Nos. 73/2018 and 279/2018 were filed for relief of quashment of the F.I.R. The submissions made show that in the two proceedings relief was granted to the persons from management. The present petitioners are Head Mistress and Teacher. In view of the aforesaid nature of allegations, it can be said that the present petitioners had no role in the actual incident and probably they had no information about the incident. In view of these circumstances, this Court holds that it will be abuse of process of law if the petitioners are directed to face the trial for aforesaid offences, if the case is filed against them. In the result, both the proceedings are allowed. Relief is granted to the petitioners in terms of prayer clause 'B'. Rule is made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

ssc/