

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

CRIMINAL APPLICATION NO.746 OF 2021

AKSHAY SANJAY SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Applicant : Shri G.D. Jain h/f Shri Jade Rahul M.
APP for Respondent 1 : Shri R.B. Bagul
Advocate for Respondent 2 : Shri R.C. Bora
...

**CORAM : RAVINDRA V. GHUGE
&
B. U. DEBADWAR, JJ.**

DATE :- 09th April, 2021

Per Court :-

1. We have considered the submissions of the learned advocate for the applicant/ original accused No.2 in FIR No.0205/2020 dated 04.07.2020.
2. The learned advocate for respondent No.2/ original informant submits that respondent No.2 has orally instructed him to appear before this Court and consent for the quashing of the FIR to the extent of the applicant/ accused No.2. He, therefore, submits that the informant had alleged in the FIR as regards the present applicant as “अमोलचा मित्र अक्षय सोनवणे हा माझ्या अंगावर धावून आला.” She further stated that “माझे पतीच्या अंगावर धावून येऊन मारण्याचा प्रयत्न केला.” In the supplementary statement, she has

clarified that the present applicant had not charged towards her and had only charged towards her husband. It is conceded that the applicant had not touched the informant, had not abused her and had not outraged her modesty. The main accused No.1 (Amol Laxman Phule) has not approached this Court.

3. The learned advocates for the applicant and respondent No.2, jointly submit that the FIR could be quashed only to the extent of the applicant (Akshay Sonawane).

4. We have perused Sections 354, 354-D r/w 34 of the Indian Penal Code, which have been invoked in the FIR. The conduct of the applicant does not appear to be covered by any of these sections. So also, the lady informant herself submits that the applicant had not touched her or outraged her modesty and agrees for quashing the FIR to his extent.

5. In view of the above, this Criminal Application is allowed and the FIR dated 04.07.2020 bearing No.0205/2020 registered with the Jawahar Nagar Police Station, Aurangabad, is quashed only to the extent of the applicant/ accused No.2 (Akshay Sonawane). Consequentially, the pending case would not proceed against the said applicant.