

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

CRIMINAL APPLICATION NO. 1823 OF 2020

1. Maroti s/o. Govind Nagarwad,
Age 48 years, Occu. Agri.,
R/o. Saknoor, Tal. Mukhed,
Dist. Nanded.
2. Sanjivkumar Maroti Nagarwad,
Age 20 years, Occu. Education
(B.Sc. 2nd year)
R/o. Saknoor, Tal. Mukhed,
Dist. Nanded.
3. Raju Maroti Nagarwad
Age 19 years, Occu. Education
(B.A. 3rd year)
R/o. Saknoor, Tal. Mukhed,
Dist. Nanded.

....Applicants.

Versus

1. The State of Maharashtra
Through Police Inspector,
Mukramabad Police Station,
Tq. Muked, Dist. Nanded.
2. Rajeshri w/o. Sadashiv Dinde,
Age 25 years, Occu. Household,
R/o. Saknoor, Tal. Mukhed,
Dist. Nanded.

....Respondents.

Mr. A.L. Kanade, Advocate for applicants.

Mr. R.B. Bagul, APP for respondent No. 1/State.

Mr. P.P. Uttarwar, Advocate for respondent No. 2.

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

DATED : 12/01/2021.

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

1. Rule. Rule made returnable forthwith. By consent, heard

both the sides for final disposal.

2. Present proceeding is filed for relief of quashing of the proceeding bearing R.C.C. No. 273/2020 presently pending in the Court of Judicial Magistrate, First Class, Mukhed, Tahsil Mukhed, District Nanded. The case is filed in F.I.R. No. 197/2020 registered at Mukaramabad Police Station for the offences punishable under sections 452, 354 (a)(2), 354 (b), 504, 506 and 34 of Indian Penal Code. The F.I.R. was given by respondent No. 2 in respect of the incident dated 3.9.2020. It is the contention of the informant that at about 3.00 p.m. on that day when she was present in the house and other members had gone out, applicant No. 3 Raju entered her house. According to her, applicant No. 3 first made inquiry about other inmates of the house and when he learnt that others were not at home, he held the hand of the informant, he misbehaved with her by pulling her clothes. It is her contention that she started shouting and asked him to leave her alone and in the meantime, her mother in law and wife of her brother in law entered the house and then applicant No. 3 ran away. It is contended in the F.I.R. that she narrated the incident to her mother in law and wife of her brother in law and then they went to applicant No. 1, who is father of Raju and applicant No. 2, who is brother of Raju. It is contended that when this lady made complaint to applicant Nos. 1 and 2 they did not believe it and they gave threat that they would file case under Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against them. It is contended that on 4.9.2020 one more incident took place and quarrel took place between the three applicants on one side and the family of informant on other and then they decided to give report in respect of the incident dated 3.9.2020.

3. The submissions made and the record show that present F.I.R. was given on 6.9.2020 and the crime at C.R. No. 197/2020 came to be registered. On the same day, report was given by applicant No. 3 Raju against the members of the family of informant of the present matter and the crime came to be registered at C.R. No. 196/2020 for the offences punishable under sections 354-B, 294, 149 etc. of Indian Penal Code and sections 3 (1)(r), 3 (2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In that F.I.R., incident dated 4.9.2020 is described.

4. The submissions made and the record show that there is some dispute between the two families, but that had started recently. Ordinarily a lady would not make false allegations which may involve her character and so, at this stage, it cannot be said that informant has made false allegations against applicant No. 3.

5. Even if the allegations of informant are considered as they are, they cannot make out case of molestation as against

applicant Nos. 1 and 2. If applicant Nos. 1 and 2 had not believed the version given by informant, that cannot amount to offence. In view of these circumstances, this Court holds that relief needs to be given to applicant Nos. 1 and 2, but not to applicant No. 3. When this Court expressed that no relief can be given to applicant No. 3, the learned counsel for applicant No. 3 on instruction submitted that he wants to withdraw the proceeding of applicant No. 3. So, the following order.

ORDER

- I. Application of applicant Nos. 1 and 2 is allowed. Relief is granted to them in terms of prayer clause 'F'.
- II. Application of applicant No. 3 is disposed of as withdrawn.

Rule is made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

SSC/