

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL WRIT PETITION NO.982 OF 2021

1. Rajkumar S/o Trimbakrao Kamble
Age 36 years, Occu: Advocate,
R/o Shivaji Nagar Pangaon,
Tq. Renapur, Dist. Latur.

2. Sanjay S/o Trimbakrao Kamble
Age 41 years, Occu: Labour,
R/o Shivaji Nagar Pangaon,
Tq. Renapur, Dist. Latur.

...Petitioners
(Orig. Accused)

Versus

1. The State of Maharashtra,
Through, Renapur Police Station,
Tq. Renapur, Dist. Latur.

2. Prerna S/o Vilash Kamble
Age: 32 years, Occu: Household,
R/o Shivaji Nagar Pangaon,
Tq. Renapur, Dist. Latur.

Respondents
(R.No.2 Original Complainant)

Mr M.L. Dharashive, Advocate for Petitioners
Mr Rajendra V. Dasalkar, APP for Respondent No.1/State

**CORAM : V.K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22nd OCTOBER, 2021

PER COURT :

1. The petitioners are seeking quashing of the F.I.R. No. 352/2021 registered with Renapur Police Station, Dist. Latur for the offence punishable under sections 354, 294, 323, 504, 506 read with section 34 of I.P.C.

2. The learned counsel for the petitioners submits that respondent No.2/informant is the Gram Panchayat Member and she has falsely implicated the present petitioners in connection with the crime. The learned counsel for the petitioners submits that petitioner No.1 is a legal practitioner.

3. We have carefully gone through the allegations made in the complaint. It appears that the incident had taken place on 07.08.2021 at about 9.35 a.m. The petitioners are from the the brotherhood of the informant. Both the applicants have allegedly outraged the modesty of the informant. The names of the petitioners are mentioned in the complaint with the specific role attributed to each of them. Both the petitioners have allegedly abused the informant in filthy language and further petitioner No.1 Rajkumar has caught-hold of her blouse and petitioner No.2 Sanjay has caught-hold of her hand. It has been specifically alleged in the complaint that with an intention to outrage her modesty, both the petitioners have assaulted the informant.

4. In a case of ***State of Haryana and Ors. Vs. Ch. Bhajan Lal and others*** reported in ***AIR 1992 SC 604***, in para No. 106, the Supreme Court has made the following observations :-

We have also given a note of caution to the effect that the power of quashing a complaint proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; "That the Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the

F.I.R. or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.”

In para No. 105, the Supreme Court has formed certain guidelines wherein such powers under section 482 can be exercised. In the instant case, the allegations made in the F.I.R. *prima facie* constitute an offence and make out the case against the accused. It discloses a cognizable offence justifying an investigation by the Police Officers. The learned counsel has not made any submissions that the FIR is manifestly attended with *mala fides* and/or that the same has been filed with an ulterior motive for wreaking vengeance on the accused.

5. The learned counsel has merely submitted that petitioner No.1 is the legal practitioner and that respondent No. 2 is the Member of the Gram Panchayat and she has falsely implicated the petitioners in connection with the present crime.

6. In view of the above and in terms of the ratio laid down by the Supreme Court in the aforesaid case, we are not inclined to entertain this writ petition and hence the following order :-

ORDER

The Criminal Writ Petition is hereby dismissed.

[SHRIKANT D. KULKARNI, J.]

[V.K. JADHAV, J.]

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