

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.1308/2021

(Vinod Rathod V State of Maharashtra and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. A.M. Tirukh, Adv for applicant.

Mr. T.A. Mirza, APP for State.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.

DATE : 02-12-2021.

Heard Mr. Tirukh, learned Counsel for the applicant and
Mr. Mirza, learned APP for the State.

2. This is an application for quashing of chargesheet in the allegations under Sections 354, 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC) have been made out against the applicant as also certain other persons.

3. From the perusal of the First Information Report (FIR), we find that specific allegations of molestation by use of force have been made against the present applicant. Therefore, this does not appear to be a simple case where the complainant has attempted to rope in the relatives of the husband who may have no concerned with the complainant or her husband. At this stage, we are required to take the allegations in the FIR or in the chargesheet at

their face value and consider whether the ingredients of the offences alleged have been made out.

4. At this stage, it is not advisable for us to go into the issue in great detail and determine whether the ingredients of without single offence as alleged has been made out or not. The allegations made *prima facie* make out a offence under Section 354 of the IPC.

5. Having regard to the aforesaid, we are not inclined to entertain the present application and we dismiss the same.

6. This is however not preclude the applicant from taking up such defences as are permissible under the law or taking such steps as are permissible under the law before the trial Court.

7. With liberty as aforesaid, this application is dismissed. There shall be no order as to costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)