

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

CRIMINAL APPLICATION (APL) NO. 995 OF 2018

Nandkishor Vinayakrao Umekar,
Aged about 61 yrs., Occ. : Retired,
R/o. Chincholi, Shingane,
Taluka Anjangaon Surji,
District : Amravati.

....APPLICANT

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station Old City Akola,
Dist. Akola.
2. Sau. Kanchan W/o Anil Umekar,
Aged about 37 years,
Occupation : Household,
R/o. Loni, Post Office Ridhora,
District : Akola.

.... NON-APPLICANTS

Shri S. S. Shingane, Advocate for the applicant.

Shri N. S. Rao, A.P.P. for the non-applicant No.1/State.

Shri A. A. Pannase, Advocate (Appointed) for the non-applicant No.2.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 02.02.2021.

ORAL JUDGMENT : [PER: Z. A. HAQ, J.]

1. Heard.

2. **Rule.** Rule made returnable forthwith.

3. The accused has filed this application under Section 482 of the Code of Criminal Procedure praying that the First Information Report registered against him vide Crime No.252 of

2018 for the offences punishable under Sections 354, 355, 357, 339, 504, 506 and 509 of the Indian Penal Code be quashed.

4. According to the non-applicant No.2, she had been to the Superintendent of Police with complaint against the applicant however, no action was taken and hence, she had filed an application under Section 156(3) of the Code of Criminal Procedure on which the learned Judicial Magistrate passed an order directing the Investigating Agency to conduct enquiry and investigation in the matter and accordingly, the First Information Report came to be registered against the applicant.

5. The applicant is elder brother of the husband of the non-applicant No.2. Undisputedly, various matrimonial disputes are going on between the non-applicant No.2 and her husband and the family members of the husband are also dragged into the litigation by the non-applicant No.2 in proceedings under Section 498-A of the Indian Penal Code. According to the non-applicant No.2-Informant, when she had gone to the Court to attend some matter, the applicant asked her to withdraw all the proceedings and on refusal of the non-applicant No.2, the applicant abused her and outraged her modesty. According to the Investigating Agency, the applicant had caught hold of the hand of the non-applicant No.2-Informant outside the Court room.

6. In response to the notice issued by this Court, the non-applicant No.1-Investigating Agency has filed reply stating that they have not been able to get any witness to corroborate the claim of the non-applicant No.2 about the incident.

7. On minutely scrutinizing the matter, we are of the view that the proceedings are taken up by the non-applicant No.2 with vindictive approach and it does not appear to be legitimate, and the pendency of the criminal proceedings would be an abuse of process of Court.

8. Hence, we pass the following order :-

The First Information Report No.252 of 2018 registered with the non-applicant No.1-Police Station against the applicant for the offences punishable under Sections 354, 355, 357, 339, 504, 506 and 509 of the Indian Penal Code is quashed.

9. Rule is made absolute accordingly.

Fees of Shri A. A. Pannase, learned Advocate appointed to represent the non-applicant No.2 shall be paid as per the Rules.

Criminal Application (APPP) No.241/2019.

In view of disposal of Criminal Application (APL) No.995 of 2018, this application for grant of time to file certified

copy of order dated 09.08.2018 does not survive. Hence, it is disposed accordingly.

JUDGE

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