

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

CRIMINAL APPLICATION NO.666 OF 2022

**DATTATRAYA RAMKISAN MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Applicant : Mr. Nanabhau R. Thorat
APP for Respondent – State : Mr. B. V. Virdhe
Advocate for Respondent No.2 : Mr. V. V. Bhavthankar
...

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 10 OCTOBER 2022

PER COURT :

The applicant is seeking quashment of crime and the consequent charge-sheet filed in connection with FIR No.196 of 2021 registered with Dindrud Police Station, Tq. Dharur, District Beed for the offence punishable under section 354 of Indian Penal Code, registered at the instance of the respondent No.2.

2. Learned advocate for the applicant would take us through the record to demonstrate that the respondent No.2 has been indulging in illegal money lending activity. The applicant has suspected about a foul play at her instance and had also lodged a complaint in police seeking police protection. The FIR has been lodged, just to settle the score and to falsely implicated the applicant.

3. The learned advocate would submit that going by the narration in the FIR, the incident is unlikely to have happened as is being pretended to be. Even the conduct of the respondent no.2's son who is stated to have arrived at the scene after hearing hue and cry is not compatible with natural human conduct. Already the applicant has implicated the respondent No.2 and her relatives for various offences and just to take revenge, the FIR has been lodged. He would submit that even an externment proceeding has been initiated against her at his instance. He would submit that the case is squarely covered by the guidelines laid down in the matter of State of *Haryana Vs. Bhajan Lal* ; AIR 1992 SC 604 .

4. Learned APP opposes the application.

5. We have carefully gone through the FIR and the papers. It does appear that the applicant has been alleging that the respondent No.2 has been indulging in illegal money lending business. It also appears that he has been making complaint with the police regarding her such activity. He has also prosecuted her for the crime.

6. It also appears that even before the FIR was lodged, he had suspected of some foul play and had sought police protection with his communication dated 07 July 2021. His statements were also recorded by various authorities, wherein he can be seen to have alleged that the respondent no.2 has been lending money illegally.

7. But then, when the FIR specifically attributes an act which, *prima facie*, constitutes molestation under section 354 of Indian Penal Code, we are afraid, this Court cannot undertake further scrutiny of the material much less to reach a conclusion about false implication. This can happen only at a fulfilled trial and if the applicants succeeds in establishing such defence on the basis of cogent and convincing evidence. Merely because, he has filed several complaints and applications against the respondent No.2, it cannot be said that he is being falsely implicated. Rather such an inference at this stage would lead to hazardous consequences, which we do not intend to indulge into.

8. The application is rejected.

9. The observations made herein-above are confined to the decision of the application.

(ABHAY S. WAGHWASE, J.)

(MANGESH S. PATIL, J.)

Tandale/-