

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

948 CRIMINAL APPLICATION NO.814 OF 2022

**ATMARAM SATYWAN TIDKE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.P.D. Suryawanshi, Advocate for the applicant.
Mr.S.D. Ghayal, APP for the respondent/State.

**CORAM : V.K. JADHAV &
SANDIPKUMAR C.MORE,JJ.
DATED : 15.03.2022**

PC :-

01. We have heard learned Counsel for the applicant at length. The applicant is seeking quashing of FIR bearing Crime No.6 of 2022, registered with Ghansawangi Police Station, Dist. Jalna for the offences punishable under sections 354, 354(A), 506 of the Indian Penal Code and also seeking quashing of proceedings bearing RCC No.15 of 2022.

02. On the basis of complaint lodged by respondent No.2, aforesaid crime came to be registered. It has been alleged in the complaint that while respondent No.2 -

informant returned to house from field, present applicant caught hold of her from backside and pressed her breasts by both hands.

03. Learned Counsel for the applicant submits that on the basis of complaint lodged by the wife of the applicant, Crime No.5 of 2022 for the offence punishable under sections 294, 341, 509 and 504 of the Indian Penal Code came to be registered against the husband of respondent No.2. Learned Counsel for the applicant submits that in order to counterblast, present complaint came to be lodged with oblique motive.

04. We have carefully gone through the contents of the present FIR, wherein respondent No.2 - informant has made direct allegations against the applicant. It has been alleged in the complaint that at a public place, on a way, the applicant not only caught hold of respondent No.2 - informant from backside but also pressed her breasts.

05. Though the learned Counsel for the applicant has vehemently submitted about malafides in filing of the complaint, in the case of State of Harayana Vs. Bhajanlal and Ors., 1992 Supp. (1) SCC 335, in para No.111 of the judgment, the Supreme Court has referred the view expressed in case a of Sheonandan Paswan Vs. State of Bihar and Ors., reported in 1987 Cr.L.J.793, wherein it is held that it is proposition of law that criminal prosecution, if otherwise justifiable and based upon adequate evidence, does not become vitiate on account of malafides or political vendetta of first informant or the complainant.

06. It is well settled that the powers of quashing of criminal proceedings are required to be exercised very sparingly that too in the rarest case. The Court should not embark upon any enquiry as to the genuineness as to the allegations made in the FIR. It is for the Trial Court to consider both the cases on its own merits.

However, we cannot conduct a mini trial here and give a clean-chit to the applicant as claimed.

07. In a case of State of Odisha Vs. Pratima Mohanty etc in Criminal appeal Nos.1455-1456 of 2021 decided on 11.12.2021, in para 6.2 of the judgment, the Supreme Court has made following observations :-

6.2 It is trite that the power of quashing should be exercised sparingly and with circumspection and in rare cases. As per settled proposition of law while examining an FIR/complaint quashing of which is sought, the court cannot embark upon any enquiry as to the reliability or genuineness of allegations made in the FIR/complaint. Quashing of a complaint/FIR should be an exception rather than any ordinary rule. Normally the criminal proceedings should not be quashed in exercise of powers under Section 482 Cr.P.C. when after a thorough investigation the charge-sheet has been filed. At the stage of discharge and/or considering the application under Section 482 Cr.P.C. the courts are not required to go into the merits of the allegations and/or evidence in detail as if conducting the mini-trial. As held by this Court the powers under Section 482 Cr.P.C. is very wide, but

conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the Court."

08. Though the learned Counsel for the applicant has vehemently submitted before us that the applicant is 70 years of age, however, at the same time we cannot ignore that respondent No.2-informant is about 50 years of age. In view of the same, we are not inclined to entertain this criminal application. Hence, following order :-

O R D E R

(i) The Criminal Application is hereby dismissed.

[SANDIPKUMAR C. MORE,J.]

[V.K. JADHAV,J.]