

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 997 OF 2022

Sangeeta w/o. Kanhoba Tupsagar,
Age 50 years, Occ. Political activist
R/o. Behind LIC Office, Samarth Nagar,
Ambejogai, Dist. Beed.

... Applicant.

Versus

- 1] The State of Maharashtra
- 2] Police Inspector, Police Station
Ambejogai, Dist. Beed.
- 3] Prerna w/o. Bhujang Bhutawale

... Respondents.

Advocate for Applicant : Mr. Uttam L. Telgaonkar,
APP for respondents : Ms. P.V. Diggikar.

...

**CORAM : C.V. BHADANG &
BHARAT P. DESHPANDE, JJ.
DATE : 7 JUNE, 2022.**

ORDER :-

By this application, under section 482 of the Code of Criminal Procedure, the applicant (accused No.2) is seeking quashing of FIR in Crime No. 61 of 2022 registered with P.S. Ambejogai, Dist. Beed under section 324 r/w. 34 of IPC.

2. We have heard the learned counsel for the applicant and learned APP and perused record. The respondent No.3 is shown to be served. However, has chosen not to put in appearance.

3. The aforesaid offence is registered on the basis of the complaint dated 12.2.2022 lodged by victim Prerna Bhtawale, who is wife of the accused No.1 – Bhujang Bhutale. According to first informant, on 10.2.2022, at about 8.30 a.m. she had noticed that her husband was behaving inappropriately with the present applicant, who she claims to be her foster mother in law. When the informant objected to such conduct of her husband, her husband is alleged to have told the informant that the applicant is his wife. The applicant then assaulted the informant by a plastic pipe. The FIR came to be lodged on 12.2.2022 on the basis of which the offence came to be registered and after investigation a charge sheet is filed.

4. During the course of investigation, the first informant was referred for medical examination on 14.2.2022 and the medical report shows that she had suffered few contusions by a hard and blunt object.

5. With the assistance of learned counsel for the parties, we have gone through the copy of the charge sheet produced by the learned APP. A bare perusal of the FIR shows that there is no allegation whatsoever made as against applicant about the said assault. The allegation is primarily against her husband who is accused No.1. The learned APP pointed out the history given at the time of medical examination stating that there was an assault by the accused No.1 as well as the present applicant. However, we find that the history given on 14.2.2022 about the assault, may not be decisive inasmuch as, in the FIR there is no allegation attributing any assault to

the applicant. It is in this context it is submitted on behalf of the applicant that the applicant has been falsely implicated.

6. The learned APP, in all fairness, did not dispute that except the name of the applicant mentioned at the time of giving history there is no other material collected during the course of investigation to show the complicity of the applicant in the alleged offence.

7. In that view of the matter, the criminal application is allowed. The FIR bearing Crime No. 61 of 2022 and the consequent charge sheet is hereby quashed qua the present applicant.

BHARAT P. DESHPANDE, J.

C.V. BHADANG, J.

grt/-