

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

954 CRIMINAL APPLICATION NO.2548 OF 2021

- 1) Deepak S/o Baban Late.
- 2) Raosaheb S/o Vitthal Late.
- 3) Nikhil S/o Baban Late. ... Applicants

Versus

- 1) The State of Maharashtra.
- 2) Madhuri W/o Shekhar Kale. ... Respondents

...
Ms. Nikita N. Gore, h/f Mr. Sandip R. Sapkal, Advocate for Applicants.

Mr. R. D. Sanap, APP for Respondent/State
...

CORAM : **SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.**

DATE : 01st July, 2022.

PER COURT:

. This is an application for quashing and setting aside the charge-sheet pending before the Judicial Magistrate First Class, Rahuri for the offence punishable under Sections 354, 323, 504 and 506 read with 34 of the Indian Penal Code. It arises out of C.R. No.845 of 2021 dated 6th October, 2021, registered at Rahuri Police Station, District Ahmednagar.

2 Heard Advocate Ms. Nikita N. Gore, holding for Mr. Sandip R. Sapkal, learned counsel for the applicants and Mr. R. D. Sanap, learned APP for the State.

3 The FIR is lodged by the victim herself. She has stated that on 3rd October, 2021 she was present in front of her house with her mother-in-law and brother-in-law. At that time, the applicants came there. There was some quarrel on financial transaction. The applicant No.1 got angry and started quarreling with the informant's brother-in-law Kiran. When the informant and her mother-in-law tried to intervene, the applicant No.1 held her by her waist and abused her. The other applicants assaulted the informant's mother-in-law and brother-in-law and threatened them. On this basis, the FIR is lodged. Learned counsel for the applicants submitted that the FIR was lodged on 6th October, 2021 and the incident was dated 3rd October, 2021.

4 On 3rd October, 2021, an N.C. was lodged by the brother-in-law of the informant and at that time though he has spoken about the incident, he has not referred to any allegations, which would attract the offence under Section 354 of the Indian Penal Code.

5 Learned counsel for the applicants, therefore, submitted that the allegations in the FIR are not correct and therefore, the entire

proceedings ought to be quashed.

6 Learned APP opposed this application. He relied on the averments made in the FIR. He submitted that the offence is clearly made out and this is not a case where the proceedings can be quashed.

7 We have considered these submissions. As far as the only submission of learned counsel for the applicants is concerned regarding the N.C., we are not convinced. The N.C. itself mentions that the applicants had abused and manhandled the first informant in this case. How she was manhandled is described by the informant in her FIR. The charge-sheet contains the statement of the same brother-in-law where he has elaborated that the applicant No.1 had held the informant by waist and thereby outraged her modesty. The statement of the mother-in-law Sunita is also to the same effect. Thus, there is sufficient material in the charge-sheet regarding commission of offence punishable under Section 354 and other Sections of the Indian Penal Code. Therefore, no case for quashing of the proceedings is made out. The application is dismissed.

[BHARAT P. DESHPANDE, J.]

[SARANG V. KOTWAL, J.]