

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.142/2022

1. Yudhisthir S/o Vyankatrao Masodkar,
aged about 65 Yrs., Occ. Retired.
2. Sau. Sulochana Yudhisthir Masodkar,
aged about 55 Yrs., Occ. Housewife.
3. Smt. Manorama Haribhau Kolankar,
aged about 50 Yrs., Occ. Housewife.

All 1 to 3 R/o Ward No.2, Vijay Nagar,
Warud, Tah. Warud, Dist. Amravati.

4. Ku. Priyanka D/o Yudhisthir Masodkar,
aged about 28 Yrs., Occ. Service,
R/o Gandhi Nagar, Indoor, Tah. and
Dist. Indoor (M.P.).
5. Purushottam S/o Yudhisthir Masodkar,
aged about 30 Yrs., R/o Kamani Gate,
Betul, Tah. and Dist. Betul (M.P.).
6. Satyavijay Vyankatrao Masodkar,
aged about 55 Yrs., Occ. Service,
R/o Shobhapur Colony, Sarani,
Tah. Sarani, Dist. Betul.

... Applicants

- Versus -

1. State of Maharashtra,
through Police Station Officer,

Police Station Ajani, Nagpur.

2. Sau. Neha Yogesh Masodkar,
aged about 30 Yrs., R/o C/o Dnyaneshwarrao
Kshirsagar, 43, Vishwakarma Nagar,
Lane No.7, Nagpur. ... Non-applicants.

Mr. M.V. Bute, Advocate for the applicants.

Mr. I.J. Damle, A.P.P. for non-applicant No.1.

Mr. A.K. Neware, Advocate for non-applicant No.2.

**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATE : 14.6.2022

ORAL JUDGMENT (Per Sunil B. Shukre, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent.

2. Learned counsel for the applicants submits that there is no *prima facie* case made out against any of the applicants

inasmuch as all the applicants had admittedly stayed away from Neha and Yogesh and, therefore, it was not possible for them to subject Neha to harassment. Learned counsel for non-applicant No.2 disagrees and invites our attention to specific allegations made against all the applicants in the F.I.R.

3. On going through the F.I.R. carefully, we find that specific allegations of consistent harassment have been made against applicant Nos.1 to 4 and 6 by complainant Neha and considering these allegations, we are of the further view that offence punishable under Section 498A of the Indian Penal Code and other offences registered against these applicants are made out.

4. So far as the case of applicant No.5 is concerned, there is no specific allegation made out against him and, therefore, it is only applicant No.5 who can be granted relief in this matter. The application is, therefore, partly allowed to the extent of

applicant No.5 Purushottam S/o Yudhisthir Masodkar and it is directed that F.I.R. registered against applicant No.5 Purushottam S/o Yudhisthir Masodkar be quashed and set aside.

5. Application filed by the remaining applicants namely, Yudhisthir S/o Vyankatrao Masodkar, Sau. Sulochana Yudhisthir Masodkar, Smt. Manorama Haribhau Kolankar, Ku. Priyanka D/o Yudhisthir Masodkar and Satyavijay Vyankatrao Masodkar is hereby dismissed.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR
Private Secretary

Signing Date: 15.06.2022 14:39