

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APL) NO. 255 OF 2020**

1. Abhijit S/o. Rajendra Chaunapure,  
Age : 30 Years, Occu. : Business,  
R/o. At Post Pathardi, Tq. Pathardi,  
Dist. Ahmednagar.
2. Shankar S/o. Shridhar Raut,  
Age : 52 Years, Occu.: Business,  
R/o 238/8, Kasar Galli, A.P. Pathardi,  
Tq. Pathardi, Dist. Ahmednagar.
3. Somnath S/o. Shashikant Rodi,  
Age : 45 years, Occu. Business,  
R/o 98/6, Rangar Galli, A. P. Pathardi,  
Tq. Pathardi, Dist. Ahmednagar.

**... APPLICANTS**

(Original Accused)

**V E R S U S**

1. The State of Maharashtra  
Through its Investigation Officer  
Khadan Police Station, Akola,  
Tq. & District - Akola.

(Copy to be served on Public Prosecutor,  
High Court of Judicature of Bombay Bench  
at Nagpur)

2. Sou. Anju W/o Pankaj Bafna  
Age : 22 years, Occu. Housewife,  
R/o C/o Pralhad Shaligram Dange,  
Kothari Watika, Malkapur, Akola,  
Tq. & Dist. Akola  
Mob. No. 7448153214.

**... RESPONDENTS**

(Ori. Complainant)

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Shri Jasprit Singh Chilotra, Advocate for applicants.  
Shri I. J. Damle, Additional Public Prosecutor for Non-applicant No.1.  
Ms. Ragini K. Swami, Advocate h/f Shri R. M. Tahaliyani, Advocate for  
Non-applicant No.2.  
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**CORAM:- MANISH PITALE AND**  
**VALMIKI SA MENEZES, JJ.**  
**DATED :- 23/08/2022.**

**ORAL JUDGMENT : (PER MANISH PITALE, J.) :**

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel appearing for the parties.
3. By this application, the applicants are seeking quashing of FIR No.0708/2019 dated 24/12/2019, registered at Police Station, Khadan, Akola, insofar as they are concerned. By the said FIR, offence has been registered against all the accused persons for offences punishable under Sections 377, 498-A, 342, 420, 323, 504 and 506 read with Section 34 of the Indian Penal Code (IPC).
4. Shri J.S. Chilotra, learned counsel appearing for the applicants submits that even if the contents of the oral report leading to the registration of FIR are to be taken as it is, no offence is made out against the applicants and certainly not the offences that are registered under the said FIR.
5. The learned counsel invited attention to the relevant portion where reference is made against the applicants in the

report. It is submitted that very general and vague allegations are made against the applicants to the effect that the applicants used to instigate accused No.1 i.e. husband of non-applicant No.2 (informant) to harass her.

6. Shri I. J. Damle, learned APP brought to our notice the statement and supplementary statement of the non-applicant No.2, recorded during the course of investigation. We find that in the said statement also, non-applicant No.2 has attributed the same role to the applicants, as was stated in the aforesaid oral report, leading to the registration of FIR.

7. We have perused the offences that are registered against the accused persons in the aforesaid FIR. We find that offences under Sections 504 and 506 of the IPC could perhaps be invoked against the applicants. The ingredients of other offences are completely absent, insofar as applicants are concerned. Even in regard to the offences under Sections 504 and 506 of the IPC, we are not convinced as to whether the said offences could be invoked against the applicants on the basis of general and vague allegations made in the oral report at the behest of non-applicant No.2. Even otherwise, we find that since the offences under

Sections 504 and 506 of the IPC are non-cognizable, FIR could not have been registered only for the said offences against the applicants herein.

8. For the reasons stated above, we are convinced that the FIR deserves to be quashed, insofar as the applicants before this Court are concerned.

9. Accordingly, application is allowed in terms of Prayer Clause (B), which reads as follows :-

"B. That, the First Information Report bearing Crime No.0708/2019 dtd. 24.12.2019 registered at Khadan Police Station, Akola for offences punishable U/Sec. 377, 498-A, 342, 420, 323, 504, 506 R/w 34 of Indian Penal Code may kindly be quash and set aside to the extent of present applicants."

10. It is made clear that the said FIR has been quashed only in respect of the applicants before this Court.

11. We make it clear that in view of disposal of this application, there would be no impediment for the non-applicant No.1-State to proceed to file charge-sheet against other accused persons.

**[VALMIKI SA MENEZES, J.]**

**[MANISH PITALE, J.]**

Choulwar