

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

CRIMINAL APPLICATION (APL) NO. 1257 OF 2021

Shrikant S/o. Suresh Kale,
Age about – 34 years, Occ. - Service,
Resident of – 456, Main Road,
Pachkhedi, Tah. - Kuhi, Dist. - Nagpur,
Mob. No. - 9595454700

---APPLICANT

---VERSUS---

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Ramnagar,
Tah. & Dist. - Gondia.
2. Vaishnavi D/o. Suresh Meshram,
Age – 24 Years, Occu. - Doctor,
R/o. Sindhi Line, Ward No. 4,
Lakhani, Tah. - Lakhani,
Dist. - Bhandara.

---NON-APPLICANTS

Mr. Ishant Tambi, Advocate h/f Mr. A. P. Wagh, Advocate for the Applicant.
Mr. T. A. Mirza, Additional Public Prosecutor for the Non-applicant/State.
Mr. J. K. Matala, Advocate for the Non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
AMIT BORKAR, JJ.**

DATE : 08.03.2022.

JUDGMENT : (PER - AMIT BORKAR, J.)

1. Heard.
2. **Rule.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant is challenging registration of the First Information Report bearing No.217/2021 dated 15.06.2021 and charge-sheet dated 08.09.2021 registered with the non-applicant No.1 – Police Station for the offences punishable under Sections 354A, 354D of the Indian Penal Code and Sections 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The First Information Report came to be registered against the applicant with the accusations that when the non-applicant No.2 was working in the Sahyog Hospital, Gondia, the applicant, who was working as a Marketing Manager tried to offend modesty of the non-applicant No.2 by uttering words, which would outrage her modesty. It is also alleged that since the non-applicant No.2 refused to pay heed to immoral demands of the applicant, he convinced the management of the Hospital to terminate service of the non-applicant No.2. The Investigating Agency after completion of investigation, filed charge-sheet against the applicant. The applicant has therefore, challenged registration of the First Information Report and charge-sheet by way of filing the present application.

5. This Court on 26.11.2021 issued notice to the non-applicants. During the pendency of the present application, the applicant and the non-applicant No.2 have amicably resolved their dispute. The non-applicant No.2, who is present in the Court stated that the First Information Report came to be registered due to misunderstanding between the applicant and the non-applicant No.2. She stated that she does not want to continue with the prosecution.

6. We have carefully scrutinized the allegations in the First Information Report. Though the allegations against the applicant are serious we are satisfied that in view of the statement made by the non-applicant No.2 before this Court and on over all perusal of the First Information Report, the ingredients of the offence alleged against the applicant are not fulfilled in particular in view of the material produced by the Investigating Agency in the form of charge-sheet.

7. The decision of the Hon'ble Apex Court in the case of *Narinder Singh & others Vs. State of Punjab & anr.* reported in *(2014) AIR SCW 2065*, makes it clear that the Court cannot declare to quash the First Information Report merely because the First Information Report incorporates a particular provision which is a serious offence or offence against society. The Court has to

make an endeavour to find out whether the information in the First Information Report indeed discloses the ingredients of such offence and the Court can accept the settlement and quash the report/charge-sheet only after the Court is of the opinion that such an offence is unnecessarily incorporated in the First Information Report/charge-sheet.

8. From the perusal of the First Information Report and the material produced in the Court, we are satisfied that the ingredients of the offence under Sections 354A, 354D of the Indian Penal Code and Sections 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not fulfilled. Since the applicant and the non-applicant No.2 have mutually resolved their dispute, chances of conviction are bleak.

9. We therefore, satisfied that there is no impediment for quashing the First Information Report against the applicant.

10. We therefore, pass following order :

The First Information Report bearing No. 217/2021 dated 15.06.2021, charge-sheet dated 08.09.2021 registered with the non-applicant No.1 – Police Station against the applicant for the offences punishable under Sections 354A, 354D of the Indian

Penal Code and Sections 3(1)(w)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and criminal proceedings filed before the Sessions Court, Gondia bearing Special Case No.103/2021 are quashed and set aside.

11. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE

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