

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

CRIMINAL APPLICATION NO.1824 OF 2013

Vijay Madhukarrao Borphalkar.

... Applicant

Versus

- 1) The State of Maharashtra.
- 2) Rajashri Suresh Hanchate.

... Respondents

...

Mr. Sachin Panhale, h/f Mr. R. P. Adgaonkar, Advocate for Applicant.

Mr. S. N. Morampalle, APP for Respondent No.1 / State.

Mr. R. D. Thorat, Advocate for Respondent No.2. (Appointed).

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CORAM : **R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.**

DATE : 12th September, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This is an application, under Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings in STCC No.199 of 2013, pending in the Court of learned IIIrd Joint Judicial Magistrate First Class, Latur and Charge-Sheet No.2 of 2013 in Crime No.3007 of 2013, registered with Shivaji Nagar Police Station, Latur, for the offence punishable under Section 509 of the Indian Penal Code, 1860.

3 The informant averred that she is serving in the office of the District Deputy Director, Co-operative Societies, Latur. The applicant is also serving there as a Head Clerk. The applicant was improperly behaving with her and other ladies staff members in that office. He used to taunt her frequently. She had made complaint to her higher officers. However, it went into vain. When one student had made phone call to the office, the applicant interfered and tried to convince that student to make complaint against the informant. There is possibility of outraging her modesty in future. Therefore, she lodged the report on 30th January, 2013.

4 The learned counsel for the applicant contended that the ingredients of Section 509 of IPC are not established. No any filthy language or insulting words are used by the applicant. He is falsely implicated in the crime. He lastly prayed to allow the application.

5 The learned APP for the State and the learned counsel for the informant strongly opposed the application. They contended that the applicant has seriously harassed the informant and other ladies staff members working in the office. Therefore, the FIR is rightly registered against him under Section 509 of IPC. They lastly prayed to reject the application.

6 Perused the charge-sheet. The FIR does not establish

that the applicant insulted the informant and other ladies staff members by using particular words. He had not used any filthy language. Thus, the essential ingredients of Section 509 of IPC are not establishing against the applicant. The application deserves to be allowed. The application is, therefore, allowed in terms of prayer clause (B). No costs.

7 The fees of the appointed counsel for respondent No.2 is quantified at Rs.15,000/-, to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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