

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

70 CRIMINAL APPLICATION NO. 2120 OF 2020

ASHISH S/O GANESH CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicants : Mr. Shrikant G. Kawade
APP for Respondent No.1-State : Mr. G. O. Wattamwar
.....

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 27 MARCH 2023

PER COURT :-

. The applicants, who are husband, father-in-law and mother-in-law of respondent no.2, are seeking quashment of crime no.378/2020 registered with the Ambajogai City Police Station for the offences punishable under Sections 376(f)(k), 498-A, 354-A(i), 323 r/w 34 of the Indian Penal Code, registered at the instance of respondent no.2 and the subsequent charge sheet.

2. We have heard learned Advocate for the applicants as also the learned APP.

3. The allegations in the FIR are to the effect that since after marriage, applicant no.2 was stalking her and making sexually explicit gestures. After narrating the details as to the manner in which he was stalking her, she further alleges about having informed applicant nos. 1 and 3 about such conduct of applicant no.2 whereupon, applicant no.1 gave her beating and even threatened to commit suicide. Both of them were keeping mum in respect of such objectionable conduct of applicant no.2. She has further alleged that on 24.03.2020, during afternoon hours, when her husband was out but the mother-in-law was in the house, applicant no.2 under the pretext of asking for the well being, started touching her with sexual intent and forced himself on her. She then alleges about having complained to the applicant no.3 mother-in-law. Thereupon she called her husband applicant no.1 and all of them assaulted her. She has then stated that on 28.05.2020, applicant no.2 again administered her couple of tablets and when she gained consciousness, she found herself without clothes.

4. Learned Advocate for the applicants submits that the allegations are basically against applicant no.2 father-in-law. No specific and exclusive role is attributed to rest of the two applicants. They have been falsely roped in. Applicant no.2 is a medical

professional of repute. Allowing all the applicants to face prosecution would be abuse of the process of law and unavoidable harassment.

5. Learned APP opposes the application.

6. We have carefully gone through the charge-sheet and the papers and considered the rival submissions.

7. The allegations in the FIR cannot be said to be improbable, particularly when the respondent no.2 is putting grave allegations against the father-in-law, which are not so grave as against the husband and the mother-in-law. This is not the stage to record any conclusion. The circumstances do not indicate that she is falsely implicating the applicants. Pursuant to the investigation, even the charge-sheet has been filed. If the allegations are so grave, it would be appropriate that sufficient opportunity is extended to the prosecution to substantiate those allegations by leading cogent evidence.

8. The application is dismissed.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]