

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2416 OF 2021

Prashant Vasantao Gedam

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. Sohail Subhedar, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent no.1 – State

Mr. S.R. Sapkal, Advocate for respondent no.2

....

CORAM : R.G. AVACHAT AND

SANJAY A. DESHMUKH, JJ

DATE : 20th JULY, 2023

PER COURT :

1. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 350 of 2021 registered with Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 354-A, 354-D and 506 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 375 of 2021 pending on the file of J.M.F.C., Gangapur.

2. Heard.

3. It is a case of Respondent No.2 – informant that one unknown person had followed her when she was on her way home on 09th July, 2021.

That unknown person thereafter intercepted her and claimed some previous acquaintance. He even questioned her as to whether she recognized him. He introduced himself as Prashant (present applicant), a co-employee working with her with Satellite Buildcon Pvt. Ltd. Pune in the past. It has further been alleged that the applicant caught hold of her hand with a view to outrage her modesty. He even threatened her of disfiguring her face with acid. He also extended threats to her life. Based on aforesaid averments, a crime came to be registered. On investigation, the charge-sheet has been filed against the present applicant.

4. According to learned counsel for the applicant, no incident as has been alleged did take place on 09th July, 2021. According to him, both, the informant and the present applicant were previously emotionally involved. The informant later on got married. She lodged a report with the Cyber Crime Cell, Aurangabad on 09th July, 2021 alleging therein the applicant to have her obscene photographs and threatened her to make them viral. The applicant went to Cyber Crime Cell, Aurangabad and assured of maintaining good behaviour. He also assured that he thenceforth would not trouble the informant. Based on said statement, the said matter was settled at the Cyber Crime Cell itself. The informant gave her statement on the same day i.e. 10th July, 2021 and withdrew her complaint. A copy of her statement has also been placed on record.

5. Learned counsel for Respondent No.2 – informant submits that it is not a forum to go into the veracity of the allegations in the F.I.R. Respondent No.2 – wife has every opportunity to explain the circumstances during trial of the case. He, therefore, urged for rejection of the application.

6. Considered the submission advanced. Perused the F.I.R. and police papers relied on.

7. Respondent No.2 – informant does not dispute to have had lodged a report against the present applicant with Cyber Crime Cell, Aurangabad on 09th July, 2021. She also does not dispute what had happened at the Cyber Crime Cell between the two i.e. herself and the present applicant. As such, there is no question of her to explain the circumstances. Now, the F.I.R. in question was lodged against an unknown person inspite of she having been in acquaintance with him i.e. the present applicant. Had really been the incident dated 09th July, 2021 taken place, the same would have been reflected in her report to the Cyber Crime Cell. It appears that her grievance was that the applicant to have been after her inspite of break-up between their relationship. It is only within hours after the matter was settled at the Cyber Crime Cell, she lodged the present F.I.R. without making any whisper about the previous happenings. We have every reason to observe a false F.I.R. to have been lodged to teach the applicant a lesson. We reiterate that

had the said incident really taken place, the same would have been reflected in her report to the Cyber Crime Cell. Interest of justice demands grant of present application. We are, therefore, inclined to allow the application.

8. In view of above, criminal application is allowed in terms of prayer clauses (B) and (B-1).

SSD (SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)