

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

CRIMINAL APPLICATION NO.2489 OF 2020

Nandlal s/o Gopal Bhurewal

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mrs. A.N. Ansari, Advocate for applicant

Mr. M.M. Nerlikar, A.P.P. for respondent No.1.

Mr. S.N. Gaikwad, Advocate for respondent No.2

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**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 11th JANUARY, 2023

P.C. :

This is an application under Section 482 of the Code of Criminal Procedure to quash First Information Report bearing Crime No.0137/2020, registered with Sadar Bazar Police Station, Jalna for the offences punishable under Sections 354, 354(A), 354(D), 341, 323, 504, 506 of the Indian penal Code read with Section 3(i)(r)(s)(w)(i)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the consequential charge sheet and criminal proceedings being Special (Atro) Case No.140/2020, pending before the learned

District Judge-3 and Additional Sessions Judge, Jalna.

2. Heard learned counsel for the applicant, learned A.P.P. for respondent No.1 State and learned counsel for respondent No.2. We have perused the record and considered the submissions advanced by learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the First Information Report lodged by respondent No.2. It is the contention of the learned counsel for the applicant that, there is delay in lodging the First Information Report. She further submits that, the applicant and the respondent No.2 were earlier in relationship and that the previous complaint filed in the year 2015 have been dismissed. She further contends that, a false complaint has been filed to extract money from the applicant.

4. A short point falling for our consideration is whether the First Information Report as well as other uncontroverted material collected in the course of investigation do not disclose offence as alleged by the respondent No.2. In this regard, a perusal of the First Information Report reveals that the

respondent No.2 is separated from her husband and she was living with the applicant herein since the year 2012. She claims that, she was pregnant and that the child died at the time of delivery. She states that, subsequently the applicant started harassing her and she left his company and started residing separately. She claims that, on 2/3/2020 at about 2.30 p.m., while she was near Bharat Mata Mandir along with Savita Dongre and Rekhabai Athavale, the applicant approached her and forced her to sit on his motorcycle. When she refused, he assaulted her. He also assaulted her by kick blows. He also pulled her hair and banged her head against wall of a shop and threatened to kill her in case she did not accompany him. She stated that, he also abused her over her caste.

5. The complainant was referred to medical examination. The medical certificate prima facie reveals that she had certain injuries on her left elbow and left hand. The statements of the witnesses Savita Dongre and Rekhabai Athavale also prima facie reveal that the incident as alleged by the complainant had occurred. Thus, this would not be a case which would be covered by categories No.1 and 3 of the judgment of the Hon'ble Apex Court in case of **State of Haryana**

& ors. Vs. Ch. Bhajan Lal [AIR 1992 SC 604]. The contention of the learned counsel for the applicant that the respondent No.2 has filed a false case in order to extract money cannot be considered at this stage, while deciding the application under Section 482 of the Code of Criminal Procedure. The fact that the previous complaint filed in the year 2015 was dismissed is no ground to quash the First Information Report particularly when the First Information Report as well as the other material on record prima facie disclose commission of offence as alleged.

6. In our considered view, the application has no merit and is accordingly dismissed.

(R. M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

fmp/-