

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

CRIMINAL APPLICATION NO.4056 OF 2022

Rahul Arvind Navale and another	..Applicants
Versus	
The State of Maharashtra and another	..Respondents

Mr.S.A.Deshpande, Advocate for applicants
Mr.M.M.Nerlikar, APP for respondent no.1
Mr.U.S.Patil, Advocate for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JULY 04, 2023**

ORDER (*Per SANJAY A. DESHMUKH, J.*) :-

This application under Section 482 of the Code of Criminal Procedure has been filed for quashment of the FIR No.281 of 2022, registered with Dhule (City) Police Station, Dhule, for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of Indian Penal Code and the consequential proceedings bearing R.C.C. No.811 of 2022, pending before learned Chief Judicial Magistrate, Dhule.

2. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant no.2.

3. Leave granted. The application of applicant no.2 stands disposed of as withdrawn.

4. Applicant no.1 is brother-in-law of respondent no.2 - informant. Learned counsel for the applicant pointed out that the informant has lodged the FIR on 19.05.2023, making allegations about the incidents took place on 26.12.2021 and 06.03.2022. As such, there is delay in lodging the report. It is further submitted that applicant no.1 is pursuing for his recruitment on compassionate ground in the police department at Amravati. He is falsely implicated in the crime. He lastly prayed for quashing of the FIR and the charge sheet against applicant no.1.

5. Learned counsel for respondent no.2 submitted that there are serious allegations of demand of Rs.5 Lakhs and taking away the gold ornaments of the informant. She has been forcefully expelled from the house. He submit that there is a strong *prima facie* case against the applicant. He submits that the application may be rejected.

6. Perusal of the FIR shows that the incident of beating the informant took place on 06.03.2022. That time, an amount of

Rs.5 Lakhs was also demanded. Her gold ornaments were taken away. However, the report is lodged on 19.05.2022. There is a considerable delay in lodging the report. The applicant no.1 is pursuing for his recruitment in police department on compassionate ground. Considering the delay in lodging the report, it would not be proper to proceed against the applicant no.1 in the interest of justice. The application, therefore, deserves to be allowed.

7. In the result, the application is allowed in terms of prayer clause (B) to the extent of applicant no.1. The FIR No.281 of 2022, registered with Dhule (City) Police Station, Dhule, for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of Indian Penal Code and the consequential proceedings bearing R.C.C. No.811 of 2022, pending before learned Chief Judicial Magistrate, Dhule, stand quashed qua applicant no.1.

8. The observations made herein above are *prima facie* in nature. The trial Court shall not be influenced thereby.

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP