

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

CRIMINAL APPLICATION (APL) NO.1018 OF 2022

Manoj Nanaji Manatkar, Aged about 39 years, Occ. Business, r/o Kahndeshwar Nagari, Part – II, Nandaon Khandeshwar, Tq. Nandgaon Khandeshwar, Distt. Amravati.

... APPLICANT.

VERSUS

1. State of Maharashtra, through
Police Station Officer, Police Station,
Nandgaon Khandeshwar, Tq.
Nandgaon Khandeshwar, District
Amravati.
2. Mohini Gajananrao Bansod, Aged
about 24 years, Occ. Tuition Classes,
R/o Shivani Rasulapur, Tq.
Nandgaon Khandeshwar, Distt.
Amravati.

... NON-APPLICANTS

Shri S.D. Chande, Advocate for the applicant.
 Shri Rode, A.P.P. for the non-applicant State.
 Ms. Sunita Kulkarni, Advocate for non-applicant no.2.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 17/03/2023.

ORAL JUDGMENT : (Per : Vinay Joshi, J.)

Heard. **ADMIT.**

2. Heard finally by consent of learned Counsel appearing for the respective parties.

3. This is an application seeking to quash the First Information Report (FIR) bearing Crime No.181 of 2022 registered with the Nandgaon Khandeshwar Police Station Amravati Rural, for the offence punishable under Sections 328, 366, 494, 501, 506 read with Section 34 of the Indian Penal Code.

4. Initially, the applicant seeks to quash the FIR on merits by contending that even if FIR is accepted at its face value, it does not disclose the commission of offence. It is contended that the contents of FIR are totally untrue and fabricated one. The applicant unrevealed an opposite story of love affair by producing what's app communication and photographs. During pendency, the matter has been settled in between the parties resulting into filing of joint compromise Pursis. On that account also FIR is sought to be quashed.

5. Crime was registered at the instance of the report dated 30.04.2022 lodged by the informant lady aged 24 years. It is her case in

brief that she was partaking in college sports activities. The applicant was a Secretary of Sport's Club. The informant had handed over her documents for participating in sport activities to the applicant as he was the Sports Secretary.

6. It is the informant's case that on 28.04.2022, around 12.00 noon, the applicant telephonically called her under pretext of returning her documents. The applicant came by four wheeler and forcibly made informant to sit in the vehicle. He took her to Amravati at one house. At said place, the applicant threatened her to defame. The applicant gave her intoxicant through cold drink and obtained her signatures on some documents. The informant further stated that, after few days, she realized that the applicant got her signatures on some affidavits containing that she got married with the applicant. Moreover, the applicant took her photographs while Garlanding each other, in such intoxicant state. After realizing the things, she has filed the report.

7. The applicant primely denied the entire occurrence as alleged. Though quashing is sought on account of settlement, however applicant has produced what's app chats and photographs to show that they were in love relationship. The said material is produced to impress that the informant has suppressed the true facts, but gave

colour of abduction for ulterior motive.

8. It is the applicant's contention that, due to dispute the informant has suppressed their relationship and filed false report about isolated incident, which is a cooked story. We have examined the what's app chats along with photographs, which discloses that they were in love relationship. The photographs are clear enough to show the intimacy. The informant lady is present before us accompanied by her brother-in-law namely Sandeep Shrikrushna Agale. We have confronted the documents annexed with the application with informed. She admits the same and stated that at the instance of villagers and under misconception, she has lodged the report. The informant also accepted the filing of joint Compromise Pursis and her no objection to quash the FIR.

9. Pertinent to note that, the informant lady has not denied her relationship, chats and intimate photographs. *Prima facie*, it is evident that she has suppressed the love affair but gave color of abduction. She has tried to project a story that she had no relations with the applicant but on specified day, the latter abducted her and under intoxicant state, forced her to sign and took photographs. The said story runs contrary to the material produced by the applicant,

which is not denied by the informant lady.

10. It clearly emerges that in order to settle personal score, the informant has levelled untrue allegations against the applicant. Always the Authority of the Court exists for advancement of justice, and if an attempt is made to abuse the Authority so as to produce injustice, the Court must step-in to prevent such abuse. Registration of crime is a serious affair, which relates to curtailment of personal liberty. The record indicates that the applicant has applied for pre-arrest bail to this Court, which was resisted by the informant however protection was granted. On registration of crime, there was strong possibility of the applicant's arrest and incarceration for certain period. Untenable arrest always tends to humiliation of individual. *Prima faice*, above fact indicates that, by suppressing material fact, the informant lady has filed a report with ulterior motive. Apparently, registration of FIR has been used as a tool to bend the applicant. When we have asked the informant about the material showing the story otherwise round, she shown her willingness to deposit costs of Rs.10,000/- (Rupees Ten Thousand only) for unnecessarily rotating the police machinery.

11. It would be an abuse of process of the Court to allow any action which would result in injustice and prevent promotion of justice.

It is the duty of the Court to look into each and every case with great detail to prevent miscarriage of justice. The Court of law are meant to punish the guilty as well as owes a duty to save the innocent. The tendency of using police machinery for pressurizing other-side is a matter of deprecation. Certainly FIR, which was actuated by *mala fide*, needs to be quashed. In peculiar facts of this case, it is desirable that the informant lady shall also deposit the cost amount as she expressed.

12. In view of above, application is allowed. We hereby quashed and set aside the First Information Report bearing Crime No.181 of 2022 registered with the Nandgaon Khandeshwar Police Station Amravati Rural for the offence punishable under Sections 328, 366, 494, 501, 506 read with Section 34 of the Indian Penal Code. The informant to deposit costs of Rs.10,000/- to the High Court Bar Association, Nagpur on or before 27.03.2023.

13. Matter be placed for compliance on 28.03.2023.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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