



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

CRIMINAL APPLICATION NO. 51 OF 2021

1. Mr. Amol Charan Dongre, aged 40 years,
Occupation Govt. Service,
2. Mrs. Pradnya Amol Dongre, Aged 40
years, Occupation Govt. Service, Both
R/o 'Om Heights' Flat No.202, Plot No.7,
Ramkrushna Colony, Near Dental
College, Wadali, Amravati, Tq. Dist.
Amravati – 444 602

... APPLICANTS

VERSUS

1. State of Maharashtra, through
Police Station Officer, Frezarpura
Police Station, Amravati, Tq. Distt.
Amravati.
2. Sau. Shanti Dilip Khanderao, Aged
33 yrs, Occu. Labourer, R/o Devi
Nagar, Wadali, Amravati – 444 602

... NON-APPLICANT.

Shri Mir Nagman Ali, Advocate for the applicants.
Shri Badar, Addl.PP for the State.
Mrs. Arti Singh, Advocate for the non-applicant no.2.

CORAM : VINAY JOSHI AND M.W. CHANDWANI, JJ.
DATED : 31.10.2023.

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

Heard. **ADMIT.**

2. The matter is taken up for final disposal with the consent of learned Counsel appearing for the parties.

3. This is an application seeking to quash the First Information Report as well as Charge-sheet in Crime No.120 of 2020 registered with the Frezarpura Police Station, Amravati City for the offence punishable under Sections 354, 323, 294 read with Section 34 of the Indian Penal Code.

4. It is the prosecution case that the informant victim was serving as a maidservant in the house of the applicants. She has been assigned a job to massage applicant no.2. There was a dispute on account of paying massage charges. The informant contended that when she demanded remuneration, applicant no.2 Pradnya threatened her and slapped. Applicant no. 1 Amol intervened, man handled her, dragged her to the bed, pulled her Saree and outraged her modesty.

5. Learned Counsel for the applicants would submit that the

entire allegations are false and fabricated. According to him, in order to pressurize the applicants to pay more money, false allegations have been levelled. To substantiate the said contention, the applicants have attracted our attention to several non-cognizable reports lodged by the parties against each other. Particularly, our attention has been invited to the writing given by both sides to the Police Station by stating that the matter is settled.

6. We have gone through the N.C. report no.190 of 2020 dated 31.01.2020 lodged by the informant herself. The said report was only against the applicant no.2 Pradnya. She stated that on 31.01.2020 about 2.33 p.m., when she demanded remuneration, applicant no.2 Pradnya abused and slapped her. Pertinent to note that the said N.C. report was regarding the same occurrence, but this time, the informant has only stated about oral altercations and slaps allegedly given by the applicant no.2 Pradnya. Pertinent to note that, there is no slightest reference about the presence of applicant no.1 at the time of occurrence. N.C. Report No.193 of 2020 has been produced on record. Similarly, it was lodged at the instance of the informant Shanti. She stated that at the relevant time, though both the applicants have quarreled, however she has stated only about the abuses and slaps. It is pointed out that this time also the informant had not stated anything

about the act of dragging her to the bed and pulling her saree. Having conjoint reading of both N.C. reports along with existing FIR, it reveal that there was total absence of the allegations pertaining to outraging the modesty in prior reports lodged by the very informant. The applicants have produced N.C report no.191 of 2020 dated 31.01.2020, lodged by applicant no. 2 regarding the quarrel in between them. She has alleged that present informant has abused and quarreled with her.

7. On the background of said material, it is evident that the informant had neither disclosed nor alleged anything against the applicants about the act of outraging her modesty. There is strong possibility of inserting the incident of outraging modesty. The present case squarely falls within the guideline no. 7 as set out at paragraph 108 by the Supreme Court in case of ***State of Haryana vs. Bhajan Lal*** ***AIR 1992 SC 604***. Continuation of such prosecution amounts to abuse of the process of the Court.

8. Learned Counsel for the applicants also assailed the tenability of the prosecution. According to him, already on application of mind, the Police have registered non-cognizable offence. In the circumstances, registration of subsequent FIR on the basis of same material is not tenable. Certainly, if the informant has any grievance

against the N.C. report, she may approach to the Magistrate for that purpose.

9. In view of the above, the application is allowed.

10. We hereby quash and set aside First Information Report as well as Charge-sheet in Crime No.120 of 2020 registered with the Frezarpura Police Station, Amravati City for the offence punishable under Sections 354, 323, 294 read with Section 34 of the Indian Penal Code.

11. Fees of the appointed Counsel be paid as per Rules.

(M.W. CHANDWANI, J.)

(VINAY JOSHI, J.)

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