



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

CRIMINAL APPLICATION NO. 2645 OF 2022

Shivaji @ Damodar Dattopant Kulkarni
Age: 56 years, Occu.: Business &
Social Work, R/o. Hanuman Nagar,
Tal. Ambajogai, Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
Through the Officer In charge of
City Police Station, Parli (V.)
Tal. Parli (V.), Dist. Beed.

2. Sonam Maruti Gavhane
Age: 30 years, Occu.: Teacher
R/o. Shourya Niwas, Manik Nagar,
Parli (V.), Tal. Parli (V.), Dist. Beed.

... Respondents

...
Mr. Sudhakar T. Mahajan, Advocate for Applicant.
Mr. A. R. Kale, APP APP for Respondent/State.
Mr. Milind B. Sandanshiv, Advocate for Respondent No.2.
...

CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.

RESERVED ON : 11th December, 2023.

PRONOUNCED ON : 08th March, 2024.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This is an application, under Section 482 of the Code of Criminal Procedure, 1973, for quashment of FIR and the proceedings in Special Atrocity Case No.56 of 2022, pending in the Court of learned Special Additional Sessions Judge, Ambajogai, District Beed, for the offences punishable under Sections 354, 384, 323, 504 and 506 of the Indian Penal Code and under Sections 3(1)(r) and 3(1)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3 It is averred in the report by informant a 30 years old woman that her husband is serving in the Zilla Parishad Primary School, Shirsala, Tahsil Parali, District Beed. She is also serving in the Government aided school namely Virbhadreswar Primary School, Maniknagar, Parali Vaijanath since 2011. The applicant is resident of Hanuman Nagar, Taluka Ambajogai, District Beed. He unnecessarily harassing the informant and taking stand that her appointment is not legal. He is getting information under the Right to Information Act. He is demanding some money to the informant. Though her appointment was confirmed by this Court and the Deputy Director of Education, the applicant continued harassment to her.

4 It is further averred that on 21st May, 2022 she went to the Tahsil Office Parali Vaijanath for drawing her ration card. Agent Jitendra Maske was entrusted with that work. She met him and completed her work there and she was proceeding back from Maniknagar to Ambajogai. Suddenly, the applicant called her and stopped her. He said "बघ मांगटे खुप माजली होतीस" now I will terminate the service of your father and brother also. You have to pay rupees twenty-five lakh. He caught hold her upper arm and shoved her. He also threatened that he will see her. That time, Bhagwan Kachruba Saksamudre, Mahadev Shinde and Laxman Bhanudas Dikle came there to help her. They told her to go from there. Thereafter, she came to the house and told that fact to her husband, after he came to the house. Thereafter, she lodged the report against the applicant on second day alleging that the applicant hurled abuses to her on caste, caught hold her upper arm, outraged her modesty and demanded rupees twenty-five lakh. Therefore, the crime came to be registered.

5 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. He has not committed such crime, however, taking disadvantage of caste, the applicant is falsely implicated in the crime. No such incident took place. The delay caused for lodging the report is not explained, which creates

reasonable doubt. He lastly prayed to allow the application.

6 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the application and submitted that the applicant is involved in serious crime. They pointed out the affidavit-in-reply submitted on behalf of respondent No.2. They submitted that a serious antisocial crime is committed by this applicant and there are eye-witnesses to the incident. The applicant has outraged the modesty of the woman in the broad daylight. It is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and the statements of witnesses. The affidavit-in-reply filed on behalf of respondent No.2 is, in fact, in accordance with the report lodged by the informant. No doubt there are statements of witnesses, however, the delay caused for lodging the report is not explained. There was no reason for respondent No.2 to lodge the report immediately after the incident as she is an educated and serving as teacher. Merely because there was earlier enmity between the applicant and respondent No.2, it appears that the applicant is falsely implicated in the crime. In such circumstances, if the applicant is directed to face the trial, it would be certainly an abuse of process of the Court. Thus, the applicant has established that he has been falsely implicated in the

crime. Therefore, the application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed in terms of prayer clause (B).
- II. No costs.

nga [SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]