



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3144 OF 2024

1. Vanita D/o. Madhavrao Bhalerao
Age: 42 years, Occ. Govt. Service,
R/o. Sumedh Nagar, Canel Road, Nanded,
Tq. and Dist. Nanded.
2. Gajanan @ Vijay S/o Madhavrao Bhalerao
Age: 3 years, Occ. Ph.D. Scholar,
R/o. Sumedh Nagar, Canel Road, Nanded,
Tq. and Dist. Nanded.

Versus

1. The State of Maharashtra
Through Bhagya Nagar Police Station,
Nanded, Tq. and Dist. Nanded.
2. Atul Narayanrao Chandramore
Age: 52 years, Occ. Govt. Service,
R/o. Jetwan Housing Society, Nanded,
Tq. and Dist. Nanded. ... Respondents

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Mr. Shaikh Farukpasha Bashumiya, Advocate for the Applicants.
Mrs. Kalpalata Patil Bharaswadkar, APP for Respondent No.1-State.
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**CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.**

DATED : 13 AUGUST 2024

ORDER :

1. Instant application is for quashing FIR bearing no. 241 of 2024 registered at Bhagya Nagar police station for offence punishable under Sections 384, 385, 506 r/w 34 of the Indian Penal Code [IPC].

2. Learned counsel for applicants pointed out that present applicant no.1 is working as a librarian in same educational institution where present respondent no.2 also works as a Lecturer. That, he lodged false and fabricated FIR alleging commission of above offence. That, he had taken disadvantage of present applicant no.1 and developed intimacy. Crime No. 242 of 2024 is registered against him for commission of offence u/s 376(2)(n), 354-D, 294 and 506 of IPC. As a counter blast, instant FIR has been lodged with ulterior motive alleging extortion of money by threatening to make whatsApp chats viral. That, present applicant no.1 is a lady. Applicant no.2 is her brother. He has no concern, but still FIR has been lodged against him. That entire FIR is concocted. By hands in glove with police machinery, above FIR has been lodged. It is apparently abuse of process of law. According to learned counsel, if above FIR is not quashed, applicant no. 1's entire career and reputation would ruin and hence the above prayers.

3. Before issuing notice, this Court has undertaken the exercise of visiting the FIR in question, which is lodged on 11.06.2024. Sum and substance of the FIR is that both, applicant no.1 and present respondent no.2, are working in same institution. Respondent no.2 has alleged that since September-October 2023, there was exchange

of messages between them on whatsapp. He has alleged that after working at Parbhani, he was required to travel back to his place at Nanded in his vehicle and at that time, present applicant no.1 used to seek lift from him. He has alleged that in December 2023, expressing financial crisis and difficulties, she borrowed Rs.50,000/- as a hand loan and her demand was met. Informant claims that again in February 2024 applicant no.1 demanded Rs.1,00,000/- on the ground that her sister is admitted for delivery and she also needed money for construction permission. Informant claims that when he conveyed his inability, on 09.02.2024, she asked him to arrange the demanded amount and threatened to make whatsapp chats between them known to his wife. Informant again claims that on 18.02.2024, demand of Rs.50,000/- was made by threatening to show messages to his wife and even contacted his wife. According to informant, on 29.05.2024, respondent no.1 accompanied by her brother applicant no.2 approached him and again put up demand of Rs.50,000/- by threatening to lodge false FIR, and hence the above report by present respondent no.2.

4. Taking the above material into consideration, and there being counter FIR, it would be too early to draw inference at this stage that allegations in FIR are false, afterthought and groundless. Both,

applicant no.2 and present respondent no.2, seem to be married. Both have lodged report against each other. In instant FIR, there are allegations of blackmail by threatening to defame by dissipating text messages between themselves. Amounts are allegedly paid by present respondent no.2 to present applicant no.1. In such backdrop, we are of the considered opinion that thorough investigation of both crimes is necessary and so, we do not consider it to be a fit case to exercise our inherent powers under Section 482 of Cr.P.C. Hence, the following order :

ORDER

The application stands rejected.

[ABHAY S. WAGHWASE, J.]

[SMT. VIBHA KANKANWADI, J.]

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