

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
APPLICATION NO. 78 OF 2024**

|                             |                |
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| Dinesh Kiran Dusane & Ors.  | ...Applicants  |
| Versus                      |                |
| State of Maharashtra & Anr. | ...Respondents |

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Mr. Pratik Kalantri for the Applicants.  
Mr. V.A. Kulkarni, APP for the Respondent/State.

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| <b>CORAM</b> | <b>:</b> | <b>PRAKASH D. NAIK &amp;<br/>N. R. BORKAR, JJ.</b> |
| <b>DATE</b>  | <b>:</b> | <b>12.03.2024.</b>                                 |

**PC:-**

1. The applicants are challenging the FIR dated 4.10.2023 registered with Gangapur police station, Nashik vide C.R. No.I-246 of 2023 for the offences under Sections 498-A, 376, 376(2)(n), 376(d), 377 and 506 read with 34 of the IPC. The FIR has been registered at the instance of respondent No.2.

2. Applicant No.1 is the husband, applicant Nos.2 and 3 are the brother-in-laws, applicant No.4 is the father-in-law and applicant No.5 is the mother-in-law of the respondent No.2.

3. The alleged incident of sexual assault is attributed to all the applicant Nos.1 to 3 and purportedly occurred on 30.03.2022, 26.06.2022, 27.07.2022 and in September 2022. The FIR was

registered on 4.10.2023.

3. Learned Advocate for the applicants submitted that the respondent No.2 had appeared before the Court of 3<sup>rd</sup> Civil Judge, Senior Division, Nashik on 8.9.2023 and thereafter FIR was registered on 4.10.2023. It is submitted that applicant No.1 had filed the petition for divorce before the 3<sup>rd</sup> Civil Judge Senior Division, Nashik and the respondent No.2 has filed written statement in the said proceedings on 10.01.2024. The said written statement is completely silent with regard to the allegations reflected in the FIR.

4. Issue notice to respondent No.2, returnable on 11.6.2024.

**(N.R. BORKAR, J.)**

**(PRAKASH D. NAIK, J.)**