

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 65/2024

(Prabha w/o Tryambak Shirpure & anr. Vs. State of Maharashtra & anr.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Mr. R.K. Tiwari, Advocate for applicants.
 Mr. J.Y. Ghurde, APP for non-applicant No.1.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 19/01/2024.

Heard.

2. This is an application seeking to quash charge-sheet arising out of Crime No. 430/2019 registered with Police Station Dhantoli, Nagpur, Dist. Nagpur for the offence punishable under Sections 143, 147, 149, 294, 500, 504, 506 of the Indian Penal Code, Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 92 of the Rights of Persons with Disabilities Act, 2016.

3. The applicants are serving as Teacher whilst informant is Headmaster. It is the prosecution case that out of old rivalry on the day of occurrence, other persons including applicants abused and gave threats to the informant in his absence. Later, the informant has seen a video clip of the occurrence pertaining to the abuse and hence, he has lodged report.

4. It is primly submitted that as per prosecution case itself, the informant was not present when alleged act of abuse and humiliation was occurred. He has relied on the

decision of the Supreme Court in case of **Asmathunnisa V. State of A.P. represented by the Public Prosecutor, High Court of A.P. Hyderabad and another, 2011 Cri. L.J. 2594** to contend that in absence of informant, the offence would not constitute. Moreover, it is submitted that the Police Report does not state particular act of humiliation and thus, there exist no prima facie case against the applicants.

5. Issue notice to the non-applicants returnable after four weeks. The learned APP waives service of notice for non-applicant No.1.

6. The proceeding of the Trial Court shall stand stayed till further order.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)

Gohane