



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1139 OF 2024

1. Laxmikant @ Guja s/o Ramling Varde
 2. Rameshwar @ Ramu s/o Omprakash Wanjule
- ...Applicants

versus

1. The State of Maharashtra
 2. Bharti w/o Rupesh Shesware
- ...Respondents

.....

Mr. S.Y. Mahajan, advocate for the applicants
Mrs. Rashmi P. Gour, A.P.P. for respondent No.1

.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th FEBRUARY, 2025**

PER COURT (PER SANJAY A. DESHMUKH, J.):-

1. By this application, filed under Section 482 of the Code of Criminal Procedure, 1973, the applicants are seeking quashment of F.I.R. No. 405 of 2022, registered with Cidco police Station, Aurangabad, for the offences punishable under Sections 354, 324, 427, 504 r.w. 34 of I.P.C., section 201 of Indian Evidence Act as well as the consequential criminal case bearing R.C.C. No. 2042 of 2023, pending before Judicial Magistrate, First Class, Court No.7, Aurangabad.

2. Learned advocate for the applicants has taken us through

the F.I.R., wherein it is contended that, on 20.08.2022 at about 6.30 p.m. when the informant was standing at the gate of her house, her neighbour Renuka Varde, without any reason, started abusing her and her children. When the informant was giving understanding to Renuka, Renuka's husband pushed the scooty parked in front of informant's house and tried to enter in the house of the informant. At that time, because of fear, the informant rushed towards Tuljabhavani temple. Renuka Varde, her husband Pankaj Varde, brother-in-law Guja Varde and Renuka's brother Ramu, were running behind her and assaulted her with iron rod, some sharp weapon and wooden log on back, legs and other parts of her body. They also touched her chest and outraged her modesty. In the said scuffle, the informant lost *Ganthan* which was in her neck. It is with these allegations, the informant lodged the report.

3. Learned advocate for the applicants submits that there are no specific allegations against the applicants. All allegations are omnibus and general in nature. The applicants are residing far away from the spot of alleged incident. From the police papers, it does not show that the applicants were present at the spot of incident, at the relevant time. There is no recovery of any weapon at the instance of any of the applicants, though it is alleged that the applicants have assaulted the informant with some weapons. Even on perusal of the

statements of the witnesses, it appears that none of the witness has named the applicants and therefore, the allegations made in the complaint are baseless and general in nature. The statements of witnesses are contradictory to the averments made in the complaint. Learned advocate further submits that the applicants have been falsely implicated in the crime. Therefore, he prayed to quash the report as well as the charge sheet.

4. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants and others have abused and assaulted the informant and her son without any reason. The accused No.2 caused damage to the moped vehicle of the informant. Even they also tried to enter in the house of the informant. Due to the fear, when the informant tried to run towards the Tuljabhavani temple, the applicants and others obstructed her and assaulted her with iron rod, wooden log and some sharp weapon and also touched to her chest and outraged her modesty. The specific roles are attributed to each of the applicants. They cannot be exonerated from the criminal liability. It is lastly prayed to reject the application.

5. None appears for respondent No.2 though served.

6. Upon perusal of F.I.R. as well as the charge sheet, it appears that applicants are residents of different locality. The investigation papers do not show that the applicants were present at the spot of incident when the alleged incident happened. At the instance of any of the applicants, no recovery of any weapon is made when the allegations against applicants are that they assaulted the informant with some weapons. Even on perusal of the statements of witnesses, it appears that none of the witness has named the applicants and therefore, the allegations made in the complaint are baseless and general in nature. It also appears that the statements of witnesses are contradictory to the averments made in the complaint. Learned advocate further submits that the applicants have been falsely implicated in the crime. In such circumstances, asking the applicants to face the trial, would certainly be an abuse of process of court. Therefore, we are inclined to allow the application. Hence, we proceed to pass the following order:-

O R D E R

- I. The application is allowed.
- II. The F.I.R. No. 405 of 2022, registered with CIDCO police Station, Aurangabad, for the offences punishable under Sections 354, 324, 427, 504 r.w. 34 of I.P.C., section 201

of Indian Evidence Act as well as the consequential criminal case bearing R.C.C. No. 2042 of 2023, pending before Judicial Magistrate, First Class, Court No.7, Aurangabad, are quashed.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/