



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4368 OF 2023

Punamchand Limchand Bhagure,
Age-48 years, Occu:Service,
R/o-Bangaon, Taluka-Aurangabad,
District-Aurangabad

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
Through In Charge, Karmad
Police Station, Aurangabad,
District-Aurangabad,
- 2) Punam Yogesh Jadhav,
Age-21 years, Occu:Household,
R/o-Bangaon, Taluka-Aurangabad,
District-Aurangabad.

...RESPONDENTS

...
Mr. Mahesh K. Bhosale Advocate for Applicant.
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.
Mr. Milind D. Sandahshiv Advocate for Respondent No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 16th JULY, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the proceedings in R.C.C. No. 2266 of 2023, pending before the

learned Judicial Magistrate First Class, Aurangabad, for the offence punishable under Sections 354, 354-D, 504, 506, read with Section 34 of the Indian Penal Code and Sectiond 66-E and 67 of the Information Technology Act arising out of the First Information Report (for short "the FIR") vide Crime No. 181 of 2023 registered with Karmad Police Station, District-Aurangabad on 3rd June 2023.

2. Heard learned Advocate Mr. Bhosale for the applicant, learned APP Mr. Kotecha for respondent No.1 and learned Advocate Mr. Sandanshiv for respondent No.2.

3. Learned Advocate for the applicant has taken us through the entire charge-sheet including the FIR and and submitted that the allegations in respect of Section 354, 354-D of the Indian Penal Code and Sections 66-E and 67 of the Information Technology Act, are against the main accused, who is the son of present applicant. It is alleged in the FIR that when the husband of respondent No.2 and her mother-in-law went to ask the present applicant as to why his son is behaving in such a manner with the informant, the applicant told them that he would see them and whatever they want to do, they should do it as per law and then he abused and gave threat to kill the husband and

mother-in-law of the informant. That means the informant has tried to give role to the applicant for the offence punishable under Section 504 and 506 of the Indian Penal Code. There was no question of invoking Section 34 of the Indian Penal Code, as there cannot be common intention for outraging the modesty of a woman. He also submits that in her statement under Section 164 of the Code of Criminal Procedure, the informant has not attributed any role to the present applicant. On the date of alleged incident, wherein it is stated that the present applicant had given threat to the husband and mother-in-law of respondent No.2, in fact he was present on his duty and documents to that effect have been produced. He, therefore, prays for quashment of the proceedings against the applicant.

4. Per contra, the learned APP as well as learned Advocate for respondent No.2 have resisted the application and submitted that there is prima facie evidence against the applicant.

5. Here, it is to be noted that the alleged incidence against the main accused i.e. son of the present applicant is stated to have taken place even prior to 28th May 2023 and then also around 9.30 p.m. of 28th May 2023. Then it is stated that around 11.00 p.m. of 2nd June 2023, husband and mother-in-law of

respondent No.2 had gone to make inquiry with the applicant regarding the behaviour of his son. Thus, it can be seen that different bundle of facts have been stated and certainly when the charge would be framed, learned Magistrate would take into consideration the role played by each of the accused. The statement of the husband of respondent No.2 and mother-in-law would support the FIR. Under such circumstance, merely because some of the offences are not made out against the applicant, it cannot be said to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. As per the provisions of Section 240 of the Code of Criminal Procedure i.e. in respect of trial of a warrant cases, the Magistrate is duty bound to hear the accused while framing charge. Now, it would be up-to the accused to make his submissions.

6. With the above observations, we dismiss the Application.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JULY25