



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

CRIMINAL APPLICATION (APL) NO. 183 OF 2024

Gajendra Shrichand Rathod

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Buldhana City, Buldhana and another

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

Court's or Judge's orders

Mr. Mohammad Zahid Suleman Shekhani, Advocate for applicant.
Mr. N. H. Joshi, APP for non-applicant No.1/State.
Mr. Arjun Sambre, Advocate h/f Mr. Abhay Sabre, Advocate for
non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 27/11/2025

1. This application is filed under Section 482 of the Code of Criminal Procedure for quashing of First Information Report dated 02.07.2023 vide Crime No.575/2023 registered with Police Station Buldhana City, Buldhana, District Buldhana, for the offence punishable under Sections 452, 354, 504, 506 read with Section 34 of the Indian Penal Code (for short 'IPC') and charge sheet No.239/2025 dated 08.09.2025 pending before the Chief Judicial Magistrate, Buldhana and consequent proceeding arising out of the same bearing RCC No.352/2025.

2. Heard learned counsel for the applicant, who submitted that due to the family dispute between the two families, the present applicant, who is a lawyer is implicated in the false and baseless allegations. He submitted that as per the recitals of the FIR, on 01.07.2023 between 12.40 p.m.,

when the non-applicant No.2 was present at her house Gajendra Rathod, Atmaram Hira Jadhav, Ravindra Atmaram Jadhav and Saraswati Atmaram Jadhav came to the complainant's house and the present applicants said to the complainant, why she was not treating properly his sister-in-law and with bad intention to hold the complainant's hand and pressed her chest. It is further alleged that Atmaram Jadhav abused the complainant by saying she was not treating her daughter properly and he outraged the modesty of the complainant. It is submitted by the learned counsel for the applicant that on the basis of the report lodged by the daughter-in-law of the non-applicant No.2, the non-applicant No.2 and other family members were arraigned as an accused vide Crime No. 574/2023 and to give a counterblast to the said complaint, this false FIR is lodged. The present applicant is a lawyer by profession and from very reputed family. No such incident has taken place and it is only to give a counterblast to the other proceeding, this complaint came to be lodged. He submitted that in the other cross-complaint, this Court has already quashed the FIR, observing the same. In view of that, the present application deserves to be allowed.

3. Per contra, learned APP opposed the said contention and submitted that there is a specific allegation as far as the present applicant is concerned, and considering the specific allegation, the application deserves to be rejected. Learned counsel for the non-applicant No.2 endorsed the same contention.

4. Perusal of the FIR and charge sheet shows that the allegation is levelled against the present applicant to the extent that he has outraged the modesty of the complainant. It is further apparent that there was a previous dispute which is matrimonial in nature between the daughter-in-law of the non-applicant No.2. The present applicant has defended her before the Court in the matrimonial proceedings and therefore, he came to be implicated in the alleged offence. He submitted that the initial FIR was registered on the basis of the report lodged by the daughter-in-law of the non-applicant No.2 and therefore, to give a counterblast to the said, this FIR came to be lodged. The FIR appears to have been lodged subsequently after the Crime No.574/2023 was lodged and as far as the allegations are concerned, which are not substantiated by the statement of any independent witness. It is apparent that as the present applicant has defended the daughter-in-law of the non-applicant No.2, and he is also related to them and therefore, he came to be implicated in the alleged offence. Therefore, continuation of the proceedings against the present applicant would be an abuse of the process of law, and therefore, the application deserves to be allowed.

5. In the result, the First Information Report dated 02.07.2023 vide Crime No.575/2023 registered with Police Station Buldhana City, Buldhana, District Buldhana for the offence punishable under Sections 452, 354, 504, 506 read with Section 34 of the Indian Penal Code and charge sheet bearing No.239/2025 dated 08.09.2025 pending before the Chief Judicial Magistrate, Buldhana and consequent proceeding

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arising out of the same bearing RCC No.352/2025, is hereby quashed and set aside to the extent of present applicant.

The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J) (URMILA JOSHI-PHALKE, J)

Sarkate