



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION [APL] NO.294 OF 2024

Applicants : 1. Maroti Jangalu Ramteke,
 Age-71 Years, Occupation – Agriculturist.
 2. Sumanbai Maroti Ramteke,
 Age-59 Years, Occupation - Housewife.
 3. Savita Vijay Gawhare,
 Age-37 Years, Occupation – Anganwadi Sevika,
 All R/o Dongargaon, Post Subbai, Tah. Rajura,
 Dist. Chandrapur.
 – Versus –

Non-Applicants : 1. State of Maharashtra,
 Through its Police Station Officer,
 Police Station Wirur, Taluka Rajura,
 Dist. Chandrapur.
 2. Pushpa Pramod Ramteke,
 Age-35 Years, Occupation – Household,
 R/o Dongargaon, Taluka Rajura,
 Dist. Chandrapur.

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Mr. M.A. Vishnu, Advocate for the Applicants.
 Mrs. Mayuri Deshmukh, A.P.P. for Non-Applicant No.1/State.
 Mr. Digvijay Singh, Advocate (appointed) for Non-Applicant No.2.

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CORAM : **NITIN B. SURYAWANSHI AND M.W. CHANDWANI, JJ.**
DATE : **22nd JANUARY, 2025.**

ORAL JUDGMENT : (Per N.B. Suryawanshi, J.)

Rule. Rule made returnable forthwith. Heard finally by
 consent of parties.

02. This application is filed under Section 482 of the Code of Criminal Procedure for quashing of First Information Report bearing No.62/2021, dated 19/03/2021, registered with Wirur Police Station, District Chandrapur for the offences punishable under Sections 354, 354-B, 509, 323, 324 read with Section 34 of the Indian Penal Code, at the instance of non-applicant No.2.

03. Learned Counsel for the applicants submits that there is dispute between the applicants and non-applicant No.2, due to which, the applicants are falsely implicated in the present crime. He further submits that for the same incident, applicant No.3 has lodged F.I.R., which was not initially registered by the police, but later on it was registered on 14/03/2021 against two accused persons including non-applicant No.2 for the offences punishable under Sections 354, 354-B, 509, 504, 506, 323, 324 read with Section 34 of the Indian Penal Code. He further submits that no offence under Sections 534 and 354-B of the Indian Penal Code is made out in the F.I.R. and from the statements recorded by the Police during investigation.

04. Learned Additional Public Prosecutor and learned Counsel for non-applicant No.2 vehemently opposed the application stating that the F.I.R. clearly makes out ingredients of offence punishable under Section

354, 354-B and other sections of the Indian Penal Code. Investigation is carried out and the charge-sheet is filed, which shows that there is *prima facie* substance in the allegations made against the applicants. They, therefore, pray for rejection of the application.

05. We have perused the F.I.R. and the charge-sheet. From the allegations made in the F.I.R., it is clear that non-applicant No.2 has clearly stated the manner in which offence under Sections 354 and 354-B of the Indian Penal Code was committed by applicant No.1 and the manner in which applicant Nos.1 and 2 assaulted non-applicant No.2. It is also stated that during the assault on non-applicant No.2, applicant No.1 has suffered an injury by stick. So far as applicant No.3 is concerned, her participation in the alleged incident is stated by the witnesses, whose statements were recorded during the course of investigation.

06. As the statements recorded during the course of investigation and other documents *prima facie* show the complicity of applicants and support the case of non-applicant No.2, this is not a fit case to quash the proceedings. The application being devoid of merit is dismissed.

07. Rule discharged with no order as to costs.

(M.W. Chandwani, J.)

(Nitin B. Suryawanshi, J.)