



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

Criminal Application (APL) No. 828 of 2024

Jitendra Suvalal Thakare and others

Versus

State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.U.Thakare, Advocate for applicants.

Shri A.R.Chutke, APP for the non-applicant/State.

Shri S.G.Karmarkar, Advocate for the non-applicant no.2.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 9th JUNE, 2025.

By this application, the applicants are seeking to quash the proceeding of Regular Criminal Case No. 4899 of 2022 pending before the Judicial Magistrate First Class, Nagpur arising out of charge-sheet No. 172 of 2022 dated 17th December, 2022 filed by Police Station Gittikhadan, Nagpur for the offence punishable under Sections 354, 323, 504, 506(2) read with 34 of Indian Penal Code.

2. In short, the case of prosecution is that, non-applicant no.2 being sister of Rashmi (applicant's no.2 wife) visited the applicant no.2 house on 28th April, 2022 at around 8.30 p.m. along with Rashmi.

There is a matrimonial discord between applicant no.2 and Rashmi. In the night, there was quarrel between Rashmi and applicant no.2. In the said quarrel she was abused by the applicants. Therefore, non-applicant no.2 intervened into the matter. At that time, applicant no.1 Jitendra tried to outrage her modesty. Applicant no.2 slapped her and applicant no.3 pulled her hairs. Applicant no.1 hold iron rod and threatened to kill her. As such, on these allegations offence under Sections 354, 506(2), 323 and 504 read with Section 34 of Indian Penal Code is registered.

As such, on the basis of material evidence collected by investigating agency in the matter, charge-sheet came to be filed and presently Regular Criminal Case No. 4899 of 2022 is pending before Judicial Magistrate First Class, Nagpur.

3. We have heard the submissions made by rival parties and perused the entire record.

4. It is the case of applicants that all allegations levelled against them are false and made with motive to harass them. However from the charge-sheet it is clear that the complainant was referred for medical examination after incidence dated 28th April, 2022 and as per

the medical examination report produced with charge-sheet clearly shows that non-applicant no.2 had caused injury due to assault on her. This evidence is sufficient to draw *prima facie* complicity of applicants in the alleged offence. Furthermore the statement recorded by the Investigating Officer during the course of investigation *prima facie* shows that applicant no.1 attempted to outrage the modesty of complainant.

5. Applicant strongly raised the issue of delay of two days caused in lodging First Information Report, according to us, at this stage proceeding cannot be set aside on the ground of delay, particularly the other material is available on record.

6. In the circumstances, in view of *prima facie* evidence against the applicants being available to prosecute, we are not inclined to interfere in the matter.

7. Accordingly, application is rejected.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]