



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

Criminal Application (APL) No.726/2024

Satish V State of Maharashtra through PSO PS Sadar 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. S. Yerawar, Advocate for for applicant.
Ms. Seema Dhotre, Advocate for non-applicant no.2.
Mrs. S. Haider, APP for State.

CORAM : Nitin B. Suryawanshi &
M.W. Chandwani, JJ.

DATE : 13-01-2025.

This application is filed under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report (FIR) at Crime No.166/2024 registered with Sadar Police Station, District Nagpur for offences punishable under Section 376(2)(n) and 506 of the Indian Penal Code (IPC), registered at the instance of non-applicant no.2.

ii. Learned Advocate for the applicant submits that prior to the lodging of the FIR in question by non-applicant no.2, he had already lodged two complaints against non-applicant no.2 raising an apprehension that he may be involved in false criminal cases at the instance of non-applicant no.2. He submits that non-applicant no.2 is a major lady and allegations in

FIR are unbelievable. He is falsely implicated in the present matter.

iii. Learned APP and learned Advocate for non-applicant no.2 have strenuously opposed the application stating that FIR makes out prima facie case against applicant. Learned APP further submits that investigation in the present crime is complete and permission is sought by the prosecution to file chargesheet, by filing application stamp no.9153/2024 which may be allowed. Learned Advocate for non-applicant no.2 further submits that on 25-09-2024 she has lodged FIR against the applicant for offences punishable under Section 115(2) and 74 of the Bhartiya Nyay Sanhita.

iv. In reply, learned Advocate for the applicant states that he has also filed application seeking quashing of the said FIR.

v. We have perused the FIR in question, reply of non-applicant no.2.

vi. FIR prima facie makes out offence under Section 376(2)(n) of the IPC, merely because prior to the lodging of the FIR in question, the applicant has filed two complaints against non-applicant no.2 apprehending his false implication at her

instance, cannot be a ground to quash FIR. The matter requires consideration.

vii. In reply affidavit, non-applicant no.2 has supported the allegations made in the FIR. Her statement recorded under Section 164 of the Code of Criminal Procedure, during the course of the investigation also confirms the allegations made in the FIR. Thus, there appears prima facie material to prosecute the applicant. Sufficient material is found against applicant hence, the prosecution has sought permission to file chargesheet. The defence of the applicant cannot be considered at this stage. We find no merit in the application. The application being devoid of merit is dismissed.

(M.W. Chandwani, J.)

(Nitin B. Suryawanshi, J.)