



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

CRIMINAL APPLICATION (APL) NO. 481/2025

(Bablu s/o Suresh Wankhade Vs. The State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. N.R. Tekade, Advocate for applicant.
Mr. Suraj Hulke, APP for non-applicant No.1.

CORAM: ANIL S. KILOR AND
M. M. NERLIKAR, JJ.

DATED : 15/07/2025.

Heard.

2. By this present application filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the applicant is seeking quashment of Charge-sheet No.143/2022 in Sessions Case No. 633/2022 arising out of Crime No. 214/2022 dated 25.03.2022 registered with Police Station Umrer, District Nagpur for the offences punishable under Sections 376(2)(n), 354, 506 read with Section 34 of the Indian Penal Code.

3. Non-applicant No.2 is the complainant. Though she was served long back, none appears on behalf of her, even sufficient opportunity was granted to her.

4. Non-applicant No. 2 i.e. complainant lodged report on 25.03.2022 with the Police against applicant/accused No.2 alleging that accused No.1 Yadav Bapurao Shrikhnade committed rape on her on number of occasions under the threat of to make video of her viral. As regards the present applicant, she alleges that the present applicant/accused No.2 had made a phone call to her and asked about the amount to have physical relations with her and also offered her Rs. 5000/- per person to allow some

other person to have sexual intercourse.

5. The main accused is Yadav Bapuraoji Shrikhande. There are no allegations against the present applicant as against accused No.1. It is to be noted that the main accused Yadav Bapuraoji Shrikhande and co-accused Deepak Dadarao Gajbhiye had approached to this Court by filing criminal application No. 311/2023. This Court after considering the material available on record and the evidence collected by the Investigating Officer during the course of investigation, quashed and set aside the Sessions Case No. 633/2022 only against the accused No.3. This Court while quashing the proceedings has also held thus :-

*“19. Thus, it reveals that the allegations in the complaint, as well as the statement of witnesses’ prima facie, do not disclose the allegation against applicant No.2 that he outraged her modesty by touching her breast since it appears absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against him. Therefore, as per guideline No. (7) in **Bhajan Lal’s** case (supra), it would not be proper to draw the conclusion that the allegations made in the FIR are sufficient to proceed against applicant No.2.*

20. As a result, in our opinion, applicant No.2 emphatically made out the case to invoke our inherent powers under Section 482 of the Code to quash the FIR and proceedings pending against him to meet the ends of justice. In such circumstances, it would not be proper to drag applicant No.2 to face the prosecution, and it would be an abuse of process

of law in view of the vague allegations made against him in the FIR. However, we do not find any peculiar circumstance compelling us to exercise the inherent power under Section 482 of the Code to terminate the proceedings against applicant No.1. Thus, prima facie; he failed to make out the case to quash the proceedings against him in relation to Section 376(2)(n) of the IPC.”

6. We have already observed that the allegations against the applicant are that he made a phone call and offered amount to complainant to establish a physical relations with her. In the circumstances, no offence attracts as alleged against the applicant.

7. In view of above, application stands allowed. We hereby quash and set aside the Charge-sheet No.143/2022 in Sessions Case No. 633/2022 arising out of Crime No. 214/2022 dated 25.03.2022 registered with Police Station Umrer, District Nagpur for the offences punishable under Sections 376(2)(n), 354, 506 read with Section 34 of the Indian Penal Code.

(M. M. NERLIKAR, J.)

(ANIL S. KILOR, J.)