



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.737 OF 2021

APPLICANT : **Manohar s/o Harishchandra Mankar,**
Age: 56 Years, Occu: Service
Residence of Vyankatesh Nagar,
Vidharbh Mills, Paratwada, Tq.
Achalpur, Dist: Amravati.

..VERSUS..

NON-APPLICANTS : 1. **State of Maharashtra,**
Through Police Station Officer,
Paratwada Police Station, Paratwada,
Tq. Achalpur, Dist : Amravati.

2. **Sub-Divisional Police Officer,**
Achalpur, Tq. Achalpur, Dist :
Amravati.

3. **XYZ in Crime No.390/21,**
Police Station Paratwada, Tq. Achalpur,
Dist : Amravati.

Mr D. S. Khushalani, Advocate for Applicant.
Mr N. Joshi, Addl. P. P. for Non-Applicant/State.
Mr B. B. Pantawane, Advocate for Non-Applicant No.3.

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

RESERVED ON : **13th OCTOBER, 2025.**

PRONOUNCED ON : **7th NOVEMBER, 2025.**

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

. Heard.

2. **Admit.** Heard finally with the consent of learned Counsels for the parties.

3. The applicant has approached this Court by filing the present application under Section 482 of the Code of Criminal Procedure, 1973 seeking to quash and set aside the First Information Report No.390 of 2021 dated 14.06.2021 registered with Police Station Paratwada, District Amravati (Rural), for the offences punishable under Sections 376(2)(n), 452, 323, 504 and 506 of the Indian Penal Code, 1860 and also offense punishable under Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. The applicant has further prayed to stay the proceedings of the offences mentioned supra against which a charge-sheet bearing No.82 of 2024 dated 28.06.2024 came to be filed and to further stay the proceedings pending before the learned Judge, Additional Sessions Court, Achalpur.

4. It is the case of the non-applicant No.3 and as per the contents of the First Information Report, that about five years prior to lodging of the report, she came into acquaintance with the

Applicant namely Manohar Harishchandra Mankar, as she used to pass by his house while going to work. The acquaintance gradually developed into a love affair. Thereafter, the applicant began visiting the house of non-applicant No.3 even in the presence of her husband and children. It is further alleged in the report that on several occasions, the applicant has visited the house of the non-applicant No.3 even during the absence of her husband and children. Initially, the applicant behaved well with her; however, with the lapse of time, he started forcing himself upon the non-applicant No.3 and established physical relations with her against her will. This conduct of the applicant allegedly continued for about four years. Out of fear and to protect her own dignity, non-applicant No.3 did not disclose this to anyone.

5. It is further alleged that about a year prior to lodging of the First Information Report, the applicant started taking money from non-applicant No.3 on the pretext of depositing the same in a women's self-help (saving) group (Mahila Bachat Gut). However, the said amount was never returned by the applicant. When, the non-applicant No.3 demanded repayment of the said

amount, the applicant abused her in filthy language and even assaulted her on several occasions.

6. It is further alleged that about two months prior to lodging of the First Information Report, at around 11:00 a.m., when the husband of the non-applicant No.3 had gone to work and her children were at school, the said applicant trespassed into the non-applicant No.3's house and caught hold of her. At that moment, the husband of non-applicant No.3 returned home and witnessed the incident. At the same time, the non-applicant No.3 pacified her husband and drove the applicant out of the house. Despite this, the applicant continued his visits to the house of the non-applicant No.3 during the absence of her husband and children and repeatedly threatened to kill her.

7. It is further alleged that the applicant threatened non-applicant No.3 that unless she maintained physical relations with him, he would kill her. Out of fear for her life, the non-applicant No.3 continued to maintain physical relations with him. Even when she resisted, the applicant allegedly forced himself upon her.

It is also alleged that the applicant also threatened her with defamation if she disclosed the facts of the incident to anyone.

8. It is also the case of the non-applicant No.3 that she belonged to the Gond (Scheduled Tribe) community and that the applicant took undue advantage of the non-applicant No. 3's social position, abused her with caste-related slurs, assaulted her several times and sexually exploited her by force.

9. We have heard Mr. Deepak S. Khushalani, learned counsel for the applicant, Mr. Nikhil Joshi, Additional Public Prosecutor for the non-applicant/State and Mr. B. B. Pantawane, learned counsel for the non-applicant No.3.

10. The learned counsel for the applicant submits that the applicant has no nexus whatsoever with the alleged offences and that the entire First Information Report is based on false and fabricated allegations. It is submitted that the non-applicant No.3 is one of the beneficiaries and a member of the Women's Self-Help (Savings) Group (Mahila Bachat Gut), which is being run by the applicant and for the said purpose, the applicant and the non-

applicant No.3 have been acquainted with each other for the past one year.

11. The learned counsel further submits that the Non-applicant No.3 repeatedly and unlawfully demanded money from the Applicant, despite having already borrowed funds from the said Mahila Bachat Gut. The Applicant, on several occasions, explained to the non-applicant No.3 that due to the pandemic, Annual General Meeting (A.G.M.) could not be convened and assured her that any outstanding amount due and payable to her would be repaid as soon as such a meeting is held. However, the non-applicant No.3 paid no heed to the issue explained to her by the applicant which subsequently led to a dispute between the applicant and the non-applicant No.3.

12. The learned counsel further submits that due to the said dispute, the husband of the non-applicant No.3, namely Bhimrao Bhaurao Meshram assaulted the applicant resulting in the dislocation of the applicant's bone. Consequently, the applicant lodged a First Information Report with the non-applicant No.1 under the relevant provisions of the Indian Penal Code, 1860.

13. The learned counsel submits that the non-applicant No.3 and her husband further continued their mischievous activities and on 09.06.2021, threatened the Applicant that they would falsely implicate him in a case of atrocity and rape. Owing to such threats, on 09.06.2021, the applicant lodged a written complaint before the non-applicant No.1/Police Station. However, no stringent action was taken by the non-applicant No.1 upon such complaint and only a non-cognizable report was registered against the non-applicant No.3 and her husband. On the same date, the non-applicant No.3 also lodged a complaint against the applicant, which too came to be registered as a non-cognizable report. The learned counsel contends that no incident as alleged in the present First Information Report was reported by the Non-applicant No.3 in her complaint lodged on 09.06.2021, which thereby demonstrates that the present First Information Report is false, vexatious and an afterthought.

14. The learned counsel further submits that on 14.06.2021, the non-applicant No.3 and her husband through one organization named Birsa Munda Adivasi Sanghatna exerted

pressure upon the Applicant. Representatives of the said organization namely Arvind Yewnate and three others called the applicant to a hotel owned by one Anil Pimpale. Upon reaching there, the applicant found the non-applicant No.3, her son Akhilesh and two others namely Dilip Uttamrao Wankhade and Ravindra Marotirao Gorle were present. One representative namely Arvind Yewnate threatened the applicant that unless the applicant paid either the demanded money by the non-applicant No.3 or an amount of ₹25,000/-, he would be falsely implicated in a case of atrocity or rape and thus tried to extort money from the applicant. As a consequence of such an event, the applicant lodged a report dated 14.06.2021 against one Arvind Yewnate.

15. The learned counsel further submits that the non-applicant No.3 reached the Paratwada Police Station to lodge false complaint against the applicant along with the representative of the said Birsa Munda Sanghatna. The applicant who was already present there to register a complaint against the non-applicant No.3 came to be arrested by the Police Officials.

16. The learned counsel for the applicant further submits that the present First Information Report has been lodged to falsely implicate the applicant. The present First Information Report was lodged by the non-applicant No.3 only to take vengeance and is a reaction to the timely actions taken by the applicant.

17. On the contrary, the learned Additional Public Prosecutor has vehemently opposed the submissions made by the learned counsel for the applicant. It is submitted that upon registration of the First Information Report, the investigating agency commenced investigation and for the said matter, the non-applicant No.2/State of Maharashtra collected evidence, examined witnesses and obtained medical reports. The applicant came to be arrested on 14.06.2021 and also referred to the medical examination. The Schedules Tribe certificate of the non-applicant No.3 and caste certificate were also obtained.

18. It is further submitted by the learned Additional Public Prosecutor that the allegations levelled against the applicant

are of a serious nature and there exists a *prima facie* case to reject the said application.

19. In the backdrop of these submissions, we have perused the First Information Report alleging commission of offences punishable under Sections 376(2)(n), 452, 323, 504 and 506 of the Indian Penal Code, 1860 and also offense punishable under Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

20. As can be seen from the said First Information Report, the victim is aged about 30 years while the accused is aged about 50 years. Thus, both the persons are major, adult and are able to understand the replication of the actions taken by them. The controversy in the present matter has to be adjudicated in the light of these facts. As can be seen from bare perusal of the First Information Report in question, the relationship between the parties ensued on 09.07.2018 and continued till 10.04.2021 i.e. about three years. No complaint has been made till the said period of three years. Furthermore, it is noteworthy to mention that the complainant/non-applicant No.3 is a married women having two

sons and living with her family. Therefore, there was no question of the applicant promising the non-applicant No.3 of marriage. It therefore leads to the inevitable conclusion that the relationship between the parties was consensual and voluntary in nature. This admitted fact speaks more than the words and leave us to the conclusion that the relationship was consensual.

21. As far as the offence under Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is concerned, nothing has been stated in the First Information Report, as also the consequent charge-sheet filed on record, that the victim was harassed due to the fact that she was belonging to a particular caste. Thus, the offence under the said Act is also not made out.

22. In light of these facts, we are of the view that no offence much less the one complained of in the First Information Report is made out and the relationship between the two persons being adults and majors was purely consensual in nature. The continuance of the proceedings would therefore be of no avail and

would cause unnecessary harassment to the applicant. We therefore pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) First Information Report No.390 of 2021 dated 14.06.2021 registered with Paratwada Police Station, District Amravati (Rural) for the offences punishable under Sections 376(2)(n), 452, 323, 504 and 506 of the IPC and under Section 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, as also the charge-sheet filed in the said matter bearing No.82 of 2024 are hereby quashed and set aside.

23. Parties to bear their own costs.

24. Pending application(s), if any, stand(s) disposed of.

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