



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

CRIMINAL APPLICATION (APL) NO.425 OF 2017

APPLICANT(S) : 1) **Dhananjay Mahadev Ambulkar,**
Age 30 years, Occ- Pvt. Service,
R/o Nirmal Apartment,
Dahiwadkar Layout, Yavatmal, Tq. and
Dist. Yavatmal.

..VERSUS..

NON-APPLICANT(S) : 1) **State of Maharashtra,**
through Frezarpura Police Station Officer,
Amravati (City), Tq. and Dist. Amravati.

Amended as per Court's order
dt.28.08.2017

2) **Snehal Ashwin Kurwe,**
aged major, Occ. Service,
r/o. Ganga Appt., f/o C.P. Bunglow,
Camp, Amravati.

Mr. N.B. Raut, Advocate for Applicant/s.

Mr. Sagar Ashirgade, Addl. PP for the non-applicant No.1/State

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

DATE : **5th May, 2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

None appears for the non-applicant No.2, though served.

3. This is an application filed under Section 482 of the

CrPC for quashing and setting aside the First Information Report (FIR) No.377 of 2017 dated 16.05.2017, registered with police Station Frezarpura, Dist. Amravati, for the offences punishable under Sections 354, 354A and 323 of the IPC.

4. The learned counsel for the applicant has pointed out that on the date of alleged incident i.e. on 14.05.2017, the complaint came to be made for the offences punishable under Sections 323, 504 and 506 of the IPC and the police registered a Non-Cognizable Offence Information Report (NCR). It is pointed out that in the said complaint, there were no allegations of outraging the modesty by the applicant. In the said complaint, the allegations were that there was a quarrel took place between the complainant and the present applicant along with Shehal Gilda and Harish Gilda. It is further alleged that during the quarrel, a scuffle took place and the accused threatened the complainant.

5. It is submitted that after a gap of two days of the NCR registered by the police i.e. on 16.05.2017, another complaint of the same incident came to be lodged by the non-

applicant No.2 with improvisation and first time, allegations of outraging of modesty came to be levelled against the accused.

6. He therefore, submits that the complaint is frivolous and made with an intention to harass the applicant. He accordingly, prays for quashing of the FIR.

7. On the other hand, the learned Addl. PP points out that the explanation has been offered by the complainant in the statement for not making such allegations about outraging the modesty in her first complaint.

8. In light of the rival submissions, we have perused the FIR and the documents filed on record.

9. From the record, it is evident that the incident had taken place on 14.05.2017 at 21.30 hours and it was immediately reported to the police on the same day at 23.30 hours. In the said complaint, there were no allegations of outraging the modesty by the applicant and the co-accused. The allegations of quarrel and scuffle were made in the said complaint for which the police registered the NCR.

10. Thereafter, on 16.05.2017 at 21.20 hours, another

compliant came to be made regarding the same incident, in which an improvisation had been made and serious allegations of outraging the modesty came to be levelled, first time.

11. No doubt, an explanation was given by the complainant in her statement i.e. on 05.06.2017 that she had frightened and because of the same, she did not mention the act of the applicant relating to outraging her modesty. The date of statement itself speaks volume since such explanation was given after about twenty days.

12. In the circumstances, we find substance in the submission of the learned counsel for the applicant that because of the rivalry and an enmity between the applicant and the non-applicant No.2, a false report came to be lodged to victimize the applicant.

13. In that view of the matter and considering the principles laid down by the Hon'ble Supreme Court of India, in the case of *State of Haryana vs. Bhajanlal*¹, we are of the opinion that the FIR in question is vexatious and made with an oblique motive. Hence, if the applicant is compelled to face the

¹ AIR 1992 SC 604

trial, it will amount to abuse of process of law. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The First Information Report (FIR) No.377 of 2017 dated 16.05.2017, registered with Police Station Frezarpura, Dist. Amravati, for the offences punishable under Sections 354, 354A and 323 of the IPC, is hereby quashed and set aside, against the present applicant.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)