



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

CRIMINAL APPLICATION (APL) NO. 520 OF 2024

Deepak Thakurprasad Gupta,
Aged about 42 Yrs.,
R/o. Indar Colliery Khadan No. 6,
Kanhani Tahsil, Parsheoni,
District Nagpur

...APPLICANT

// VERSUS //

1. **State of Maharashtra,**
Through Police Station Officer,
Kanhani, Nagpur

2. **Achal Sonkar D/o. Rajkumar Sonkar,**
Aged : 23 Years,
R/o Indar Colliery Khadan No. 6,
Kanhani Tahsil, Parsheoni,
District Nagpur

NON-APPLICANTS

Ms Sonal Tripathi, Advocate for the applicant
Ms Shamsi Haider, APP for Non-applicant No. 1/State

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATED : APRIL 29, 2025.

ORAL JUDGMENT : (PER : ANIL S. KILOR, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for
final disposal with the consent of learned counsel for the parties.

3. In the present application, filed under Section 482 of the Code of Criminal Procedure ("Cr.P.C.", for short), the prayer is made for quashing the Charge-Sheet arising out of the First Information Report No. 56 of 2022 registered with Police Station Kanhan, Nagpur for the offence punishable under Sections 354, 354(A), 354(D), 294, 506, 509 and 341 of the Indian Penal Code ("IPC", for short) and Sections 3(1)(r), 3(1)(w)(i), 3(1)(w)(ii) and 3(2)(5A) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Atrocities Act').

4. It is the case of the prosecution that the non-applicant No.2 lodged the report against the applicant on 10.02.2022 of the incident dated 18.12.2021, alleging that on 18.12.2021, while the non-applicant No.2 was returning from her job, in the night in between 7:30 p.m. and 8:00 p.m., the applicant stopped her. The applicant was on a motorcycle and there he insisted the non-applicant No.2 to accompany him on his motorcycle, to which she refused. It is alleged that thereafter he followed the non-applicant No.2. It is further alleged that he came to the house of non-

applicant No.2 and there was a verbal quarrel between them and he abused non-applicant No.2 as well as her mother. Accordingly, the offence came to be registered against the applicant.

5. Having perused the charge-sheet it is evident that the applicant and non-applicant No.2 are the neighbours and some quarrel had taken place in between them. This resulted into lodging of the FIR. During the investigation no independent witness came forward to support the case of the prosecution and to say that any such incident had taken place. The statements of the victim herself and her brother and mother are there on record.

6. It is pertinent to note that the applicant and non-applicant No.2 are staying in a colony i.e. Indar Colony at Kanhan. Despite it being alleged that the incident took place outside the house of the non-applicant No.2, there is not a single witness to the said incident. It creates a doubt about the veracity of the prosecution's story. There is a reason to say so, as the alleged incident is dated 18.12.2021 and the report was lodged after 55 days

on 10.02.2022. In this regard, column No. 8 of the FIR states the reason for such delay and after going through the said reason, one can say that the reason is improbable. The reason stated in column No. 8 is that as the informant did not get leave from her job.

7. There is no information regarding the nature of the work of non-applicant No.2 and what type of job she was doing at the relevant time. It is common knowledge that in every job, employees get at least one day off in every week. Thus it is difficult to accept that because non-applicant No. 2 could not get leave, there was a delay in lodging the FIR.

8. Furthermore, the allegations are vague. In the circumstances, we find substance in the submission of the learned counsel for the applicant that, out of rivalry being neighbours, the non-applicant No.2 has lodged the false report against the applicant for wreaking vengeance against the applicant.

9. Though the learned APP tried to make the submission that there are statements of the brother and mother of the victim and also a statement of the victim, however in the above referred backdrop, in the absence of any independent witness and considering the delay coupled with the fact that the allegations are vague, we are of the opinion that this is a fit case for quashing the charge-sheet.

10. Accordingly, the application is allowed in terms of prayer clause (a).

Rule accordingly.

Pending application, if any, also stands **disposed of**.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]