IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

944 CRIMINAL APPLICATION NO. 1516 OF 2024

Kiran S/o Kerba Kallure ....Applicant

VERSUS

The State of Maharashtra & another .....Respondents

Mr. A. D. Hande, Advocate for Applicant
Mr. N. R. Dayama, APP for the State.
Ms. R. D. Chinchpurkar, Advocate (appointed) for Respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 14th OCTOBER, 2026.

PER COURT :

1. Applicant seeks quashment of First Information Report bearing Crime No. 768/2023 registered with Nanded (Rural) Police Station, District Nanded, for the offences punishable under Sections 354, 294, 506 of Indian Penal Code and Sections 3(1)(w)(i)(ii), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and consequent filing of charge-sheet and order of issuance of process against him.

2. First Information Report lodged by informant/victim indicates that the present Applicant used to cause harassment to the victim by calling her on her phone. She used to be abused. She claims that

her husband was informed about the said harassment, who, in turn, tried to advise the Applicant. There is further allegation with regard to occurrence of the incident dated 24.08.2023 in which the Applicant was abusing over her caste and that Applicant committed act leading to outraging modesty of the informant.

3. Learned Counsel for Applicant submits that this is a case wherein from the material placed on record along with the application, it could be seen that the informant is blackmailing the present Applicant. In order to support this submission, he made reference to chats between them so also documents indicating money transactions between them. He submits that an application was moved to the police informing about an attempt made by the informant blackmailing the Applicant. He refers to the panchanama of the spot of incident which, according to him, is inside the house and as such offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out. He further argues that the statements of witnesses, which on the face of it fail for the reason that they do not have place of residence near the spot of the incident but they stay atleast at a distance of 10 km. therefrom. Applicant also claims that at the relevant time he was at Pune and accordingly,

his father had made application to the Investigating Officer for providing CCTV footage.

4. Learned APP and learned Counsel for the informant opposed the application. It is their contention that prima facie perusal of the First Information Report clearly indicates that the occurrence of the incident and offence is made out against the Applicant. It is their contention that in such circumstances, it is not open for this Court to quash the criminal proceeding.

5. Perusal of record, more particularly, statement of informant specifically states about occurrence of the incident on 24.08.2023. The statement is supported by two witnesses. It is not open for this Court to decide the correctness or otherwise of those statements and it would be the matter of decision before the Trial Court. Insofar as claim of the Applicant with regard to the relationship between the parties as well as money transaction is concerned, the charge-sheet does not indicate so. Similarly, there is nothing on record to show that the Applicant was at Pune at the relevant time. Thus, the contention remains as defence of the Applicant, which could be

raised during trial. It is not open for this Court to consider the said plea for want of authority to record and assess evidence.

6. Suffice it to say that prima facie, offence is made out against the Applicant. Hence, Application stands dismissed.

7. Fees of the appointed Counsel is quantified at Rs. 10,000/-.

(R. M. JOSHI, J.)

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