IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 CRIMINAL APPLICATION NO. 4399 OF 2025

Pravin Jaychandra Savaji
VERSUS
The State Of Maharashtra And Another
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Mr. S. B. Rajebhosale, Advocate for Applicant.

Mrs. B. B. Gunjal, APP for Respondent – State.

Mr. G. D. Jain, Advocate for Respondent No.2 appointed through Legal Aid Panel.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 12 OCTOBER, 2026

PC:

1. Heard Mr. Rajebhosale, learned counsel for the applicant, Mr. Jain, learned counsel for respondent No.2 and Mrs. Gunjal, learned APP.

2. The applicant is challenging Crime No.307 of 2025, registered on the basis of the report lodged by respondent–informant on 3 April 2025 for the offences punishable under Sections 376, 34 of the Indian Penal Code and under Sections 3(1)(w)(i)(ii) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, at MIDC Waluj Police Station, and the consequential charge-sheet and proceedings registered as Special Case (Sessions) No.1066 of 2025, pending before the

learned Special Court, Gangapur.

3. The applicant is accused No.3 and is the brother of accused No.1, Nitin Savaji, with whom the respondent–informant was residing after separating from her first husband. The First Information Report (FIR) discloses that the informant is aged about 34 years and she has been acquainted with applicant's brother, accused No.1, Nitin Savaji, since 2007. She came to reside along with the him in the year 2020. They resided near Saptashrungi Temple, Bajaj Nagar, Chhatrapati Sambhaji Nagar. After they started residing together, she has given birth to two children from the said Nitin, aged about 13 years and 6 years which is not disputed.

4. The FIR No.307 of 2025 dated 3 April 2025 is lodged by respondent No.2 against 4 accused persons. It is alleged that, in the year 2020, the applicant, Pravin Savaji, who is the brother of Nitin Savji, committed forcible sexual intercourse with the informant, and she disclosed the incident to Nitin. However, he did not take any action. Thereafter, she also alleged that another brother of Nitin, namely, Laxmikant Savaji, has also committed forcible sexual intercourse with her in the month of April 2024. On the basis of said report, the investigating officer registered Crime No. 307 of 2025 for the offences punishable under Sections 376 read with 34 of the Indian Penal Code and under Sections 3(1)(w)(i)(ii) and 3(2)(va)

of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. In pursuance to the aforesaid crime, the investigating officer filed charge-sheet No.1066 of 2025 dated 12 June 2025.

5. Mr. Rajebhosale, learned counsel for the applicant, submitted that the applicant was employed with MSEDCL as a senior Technician at Ambarnath, District Thane. As he was posted at Ambarnath, Thane it was not possible for him to travel to Chhatrapati Sambhajinahar. He further submitted that, in August 2020, the applicant was attending his duties at Ambarnath. In support of the said contention, he has placed on record the relevant muster entries.

6. During the course of arguments, learned counsel for the applicant invited the attention of this Court to the statement of the informant's son, who is aged about 12 years. The said statement discloses that the informant herself had allegedly eloped with a third person and that the applicant's brother i.e., Nitin, along with said son, Ruturaj, had gone to the said house of third person and brought the informant back to their own house.

7. Mr. Rajebhosale, learned counsel for the applicant, further pointed out that the applicant's brother i.e., Nitin had issued a notice to the informant on 13 June 2024, seeking restitution of conjugal rights.

Thereafter, the informant has also lodged a complaint under the provisions of Protection of Women from Domestic Violence Act against the husband and his relatives, including the applicant. A bare perusal of the said proceedings, according to learned counsel for the applicant, discloses that the informant has not narrated any incident of sexual assault allegedly involving the applicant or the other accused persons. After filing the said proceedings, she lodged the FIR in question, making various serious allegations against the applicant. It also tried to be pointed out by Mr. Rajebhosale that just before lodging the said FIR, the informant had obtained a caste certificate showing that she belonged to reserved category with an intention to harass the accused persons by lodging complaint under atrocities Act.

8. Learned counsel for the applicant, therefore, submitted that the allegations are false and have been made with a view to harass the applicant and the other relatives. He further submitted that the continuation of instant proceedings would amount to an abuse of process of law and therefore the proceedings arising out of FIR No. 307 of 2025 deserves to be quashed and set aside. He also further submitted that the FIR has been lodged after a delay of approximately five years from the allegation of sexual assault if considered without there being any explanation for such delay. He submitted that the respondent-informant

has deliberately implicated all the accused persons in order to settle her personal goals, which are only between the accused No.1 and informant.

9. *Per contra*, Mr. Jain, learned counsel for respondent-informant, strongly opposed the instant application. According to him, the FIR and the statements specifically disclose the commission of crime of the offences by the present applicant. He therefore submitted that the proceedings ought not be be quashed and that the applicant should face trial before the learned Trial Court.

10. Mrs. Gunjal, learned APP, also reiterated the same submissions made by the learned counsel for respondent No.2 and prayed for dismissal of the instant Criminal Application.

11. After going through the entire charge-sheet and the statements, and after considering the submissions advanced by Mr. Rajebhosale, learned counsel for the applicant, this Court is of the view that the proceedings have been initiated with an intention to harass the applicant by misusing the process of law. The events narrated by the applicant goes to show that after filing of matrimonial proceeding the instant FIR came to be filed. There is no explanation as regards delay caused by informant for lodging the report. The applicant is serving at Thane appears to have been falsely implicated in order to harass him being brother of accused Nitin. He can

not be said to be remotedly connected with the disputes between the informant with his brother Nitin. The statement of son of informant though child of 12 years cannot be ignored at this stage pointing out how his mother had eloped with third person and how accused Nitin and he brought the informant back to his home. All these aspects throws light on the genuineness of the complaint/report which is belatedly filed after five years particularly after marital discord between the applicant's brother and informant. As regards the offences registered against applicant no *prima facie* case can be said to have made out against applicant. The applicant can not be made to face the trial on the basis of complaint which is admittedly does not appear to be genuine and has been filed by wreaking vengeance against applicant.

12. In view of the above, the instant Criminal Application deserves to be allowed.

13. The Criminal Application is allowed. FIR No. 307 of 2025 dated 3 April 2025, registered with MIDC Waluj Police Station, the consequential charge-sheet, and and proceedings in Special Case (Sessions) No.1066 of 2025 pending before the learned Special Court, Gangapur, are hereby quashed and set aside.

14. Mr. Jain, learned counsel appearing for respondent No.2-informant

through the Legal Aid Panel of this Court, is entitled to receive his fees as per the applicable rules, to be paid by the High Court Legal Aid Services Sub-Committee, Aurangabad.

(SUSHIL M. GHODESWAR, J.)