



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

CRIMINAL APPLICATION (APL) NO. 1461 OF 2024

APPLICANT :- Umesh s/o Uttam Ingle,
Aged about 33 years, Occu: Student,
R/o Mohadi Sakharkherda, Tah.
Sindkhed Raja and District Buldhana.

..VERSUS...

RESPONDENTS :- 1) State of Maharashtra,
Through Police Station Officer, Police
Station, Sakharkherda, Tah. Sindkhed
Raja and District Buldhana.
2) Sau Usha Arjun Kankal,
Aged about 45 years, Occu: Nil, R/o
Mohadi, Sakharkherda, Tah. Sindkhed
Raja, District Buldhana

Mr. Sachin Mohan Awachar, counsel for applicant.
Ms S.V. Kolhe, APP for respondent No.1/State.
Mr. Sachin S. Deshpande, counsel for respondent No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 28/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of
learned counsel Mr. Sachin Mohan Awachar, for the applicant, Ms S.V.
Kolhe, learned APP for respondent No.1/State and Mr Sachin

S. Deshpande, learned counsel for respondent No.2, the application is taken up for final hearing at the stage of admission.

2. By way of present application, the applicant is seeking quashment of proceedings bearing Regular Criminal Case No. 95 of 2023 pending before the Judicial Magistrate First Class, Sindhkhed Raja, arising out of FIR No. 309 of 2022 dated 23/11/2022 for the offence punishable under Sections 354, 354-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

3. It is the case of the present applicant that though it is alleged that there was an attempt on the part of applicant to outrage the modesty of respondent No.2, but from the statements of the eye-witnesses, it is clear that the alleged incident took place between the respondent and his father namely Uttam Rajaram Ingale, and the present applicant was not present on the spot. Hence, according to applicant, only because a civil dispute is pending between the parties in respect of land, he has been wrongly implicated in the offence, and hence seeks indulgence of this Court in the matter.

4. Learned APP, as well as learned counsel appearing for respondent No.2, vehemently opposed the application. According to them, in the FIR, specific allegations have been made against the present applicant in the matter. So also, it is pointed out that in the supplementary statements of the eye-witnesses, they have changed their version, and therefore, such statements of the eye-witnesses cannot be relied upon at this stage. Hence, prays for dismissal of complaint at its threshold.

5. In the light of the submissions of both the parties, I have perused the complaint lodged by respondent No.2 and statements recorded by the Investigating Officer during the investigation in the

matter.

6. It is the allegation of the respondent No.2 that on 23/11/2022 at around 11.00 a.m., when she was washing utensils, at that time, the father of the applicant, namely Uttam Rajaram Ingale, came to the disputed plot of which, the Court case is going on and started to dig a pit for erecting a compound wall. The present respondent No.2 has objected to dig the pit and erected iron angle on the disputed plot. As such, there was a quarrel between them and in that quarrel, Uttam Rajaram Ingale started abusing her and thrown her utensils.

7. It is also alleged that Uttam Rajaram Ingale caught hold of her, gave fist blows on her face, pressed her shoulder, and assaulted her. She further alleged that he attempted to outrage her modesty. On the basis of said complaint, the offence came to be registered in the matter.

8. During the course of investigation, the statements of Kamlabai Janardhan Ridhe and Krushna @ Raju Namdeo Ridhe are recorded on 25/11/2022, according to them quarrel was taken place between the respondent No.2 and Uttam Ingle. They specifically stated that at the time of alleged incident, the present applicant was not present on the spot nor he has abused or threatened to the respondent No.2. In their supplementary statements, it is not stated by them that earlier statement was wrongly recorded, nor have they stated that the present applicant was present at the spot. As such, prima-facie, it is clear that present applicant was not present when the alleged incident took place in the matter.

9. It is an admitted fact, civil suit regarding adjoining plot to the house of applicant and respondent no.2 was filed by respondent No.2 against the present applicant, and same was dismissed for want of

prosecution on 04/07/2022. As such, the applicant's father has tried to erect the compound, as such complainant who has personal grudge against applicant by taking a benefit of this incident, lodged false complaint in the matter.

10. In the present case, in view of the statements of the eye-witnesses, it is clear that the present applicant was not present at the spot at the relevant time. Consequently, there was no such intention on the part of the present applicant to outrage the modesty of respondent no.2. Hence, in my considered opinion, the applicant has made out a case for interference of this Court. Accordingly, I proceed to pass the following order.

ORDER

- a] The Criminal Application is **allowed**.
- b] The proceedings bearing Regular Criminal Case No. 95/2023 pending before the Judicial Magistrate First Class, Sindhkhed Raja, arising out of FIR No. 309 of 2022 dated 23/11/2022 for the offence punishable under Sections 354, 354-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, are hereby quashed and set aside against the applicant only.
- c] All pending applications stands disposed of.

11. Rule is made absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)