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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1504 OF 2024

1. Dinesh s/o Laxmanrao Pohane,
Aged about 65 Years,
Occupation : Agriculturist,
R/o. Sirasgaon (Bazar),
Tahsil Hinganghat,
District Wardha.

.... APPLICANT

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Wadner,
Tahsil Hinganghat, District Wardha.
2. XYZ (Victim)
Crime No.213/2024
Police Station, Wadner,
Tahsil Hinganghat, District Wardha.

....NON-APPLICANTS

Mr. Sameer Sonwane, Advocate h/f Mr. A. Z. Mirza, Advocate
for applicant.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Mr. Najeeb Sheikh, Advocate (appointed) for the non-applicant
No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/03/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicant, learned APP for the State and learned
appointed counsel for the non-applicant No.2.

(2)

4. Present application is preferred by the applicant, who is the father-in-law of the non-applicant No.2 for quashing of the FIR in connection with Crime No.213/2024 which was initially registered under Section 354A and subsequently under Section 376(2)(f) and 506 of the Indian Penal Code (for short 'IPC').

5. Heard learned counsel for the applicant, who submitted that the applicant is the father-in-law of the non-applicant No.2. It is alleged by the non-applicant No.2 that in the year 2018, she got married to the son of the applicant and she is having two children from the said wedlock. It is further alleged by her that on 02.05.2024 at about 4.00 p.m., when she was alone in the house, the applicant had outraged her modesty by disrobing her as well as it is also alleged that he has also subjected her for the forceful sexual assault. On the basis of the said report, police have initially registered the offence punishable under Section 354A of IPC. After ten days of the lodging of the FIR, her supplementary statement was recorded wherein she has alleged that on that day, the present applicant has also subjected her for the forceful sexual assault. On the basis of the said statement, the crime was registered under Section 376(2)(f) of IPC. He submitted that on the basis of false and baseless allegations, the applicant who is the father-in-law is implicated in the alleged offence. He submitted that after the incident,

(3)

immediately, non-applicant No.2 approached to the Police Station. On the basis of a report, NC was registered vide No.240/2024, wherein she has neither alleged outraging of modesty, nor alleged about the sexual assault. It is only alleged that there was a hot exchange of words and she was abused by the present applicant and she was asked to leave the house. Thus, he submitted that after thought after ten days of the incident, this false FIR came to be lodged against the present applicant. The explanation given by the non-applicant No.2 is also not acceptable and he submitted that as matrimonial relationship was disturbed between her and her husband and therefore, the present applicant was falsely implicated in the alleged offence. In view of that, he prays for quashing of the FIR.

6. Per contra, learned APP for the State and learned appointed counsel for the non-applicant No.2/complainant submitted though she has not narrated the incident initially, but she has explained the fact that as she was threatened by her husband and therefore, she has not disclosed the incident to anybody and to the police also. In view of that, the application deserves to be rejected.

7. On hearing both sides and perusal of the entire investigation papers, it reveals that initially, after the incident

(4)

immediately the non-applicant No.2 approached to the Police Station and lodged the report. In the said report, she has only alleged that on 02.05.2024, when she returned home and her husband and her mother-in-law were also present, raised quarrel with her and also abused her and therefore, she approached to the Police Station and lodged a report. Admittedly, in the said report which was lodged immediately after the incident, she nowhere disclosed that there was outrage of modesty by the present applicant or she was subjected for the sexual assault by the present applicant. After ten days of the said incident, she approached the police station and lodged the report that the present applicant has outraged her modesty by disrobing her and after ten days of the said lodging of the FIR again she come with a case that she was subjected for the forceful sexual assault. Though she was referred for the medical examination, no injuries are found on her person. The allegations levelled by her is not substantiated by the medical certificate. Thus, considering the entire investigation papers, it reveals that despite she approached to the Police Station, she has not lodged the report and after thought this report came to be lodged. It is also apparent the matrimonial dispute is between her and her husband, and therefore, after thought, this FIR came to be lodged against the present applicant. As far as the allegations levelled against the present applicant are concerned, which are

(5)

not substantiated by material and appear to be false as levelled after thought. The said allegation is not sufficient to attract the offence punishable under Sections 376(2)(f) or 354A of the IPC. In such circumstances, forcing the present applicant to face the trial would be an abuse of the process of law.

8 By applying the parameters laid down by the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335**, which are reproduced as under:

"(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(6)

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

No *prima facie* case is made out, and hence, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The FIR in connection with Crime No.213/2024 registered with Police Station, Wadner, District Wardha for the offence punishable under Sections 354A, 376(2)(f) and 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing Sessions Case No.25/2024 pending before the learned District and Additional Sessions Judge – 1, Hinganghat, District Wardha, are hereby quashed and set aside to the extent of the present applicant.

(7)

(iii) The fees of the appointed counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J)

Sarkate.