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

CRIMINAL APPLICATION (APL) NO.950 OF 2023

1. Gopal Balvant Petkar,
Aged about 47 Years,
Occupation : Business,
2. Sau. Bhavana Gopal Petkar,
Aged about 37 Years,
Occupation : Household,
3. Anant @ Anand Balvant Petkar,
Aged about 49 Years,
Occupation : Cultivator,
4. Santosh Balvant Petkar,
Aged about 40 Years,
Occupation : Cultivator,
All Applicants are R/o. Lohi,
Tahsil : Darwha, District Yavatmal. **.... APPLICANTS**

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Darwha,
District Yavatmal.
2. X. Y. Z.,
Crime No.0149/2023,
through Police Station Officer,
Police Station, Darwha,
District Yavatmal. **....NON-APPLICANTS**

Mr. J. R. Kidilay, Advocate for applicants.
Ms. M. A. Barabde, APP for non-applicant No.1/State.

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

ORAL JUDGMENT :

1. Heard.

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2. **Admit.**

3. Heard finally with the consent of the learned Counsel for the applicants and learned APP for the State.

4. Present application is preferred by the applicants for quashing of the FIR in connection with Crime No.149/2023 registered with Police Station Darwha, District Yavatmal for the offence punishable under Sections 376(2)(n), 324, 417, 504 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(w)(i)(ii) and 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the consequent proceeding arising out of the same bearing charge sheet No.88/2023.

5. Heard learned counsel for the applicants, who submitted that the crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that on 11.02.2023, when she was at home, she received a phone call of applicant No.1, who has abused her through phone call and there was exchange of words between them during that telephonic call itself. She further alleged that after some time, when she had been to the village and was proceeding from the house of the applicants, at that time with the applicant No.1 she inquired why she was abused by him. At that time, he has assaulted her by means of slaps and fists as well as by means of rod, due to which

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she sustained the injuries. She further alleged that other applicants have also assaulted her by means of rod. On the basis of the said report, police have registered the crime against the present applicants.

6. After registration of the crime, the Investigating Officer has referred her for medical examination and also recorded the relevant statements of the witnesses. During the investigation, she further alleged that the applicant No.1 has also subjected her for the forceful sexual assault. After completion of the investigation, the charge sheet was submitted against the present applicants.

7. Learned counsel for the applicants not pressed the application for the applicant No.1. As far as the applicant Nos.2 to 4 are concerned, he submitted that merely because they are the relatives of the applicant No.1, they are implicated on the basis of general, omnibus and vague allegations. He submitted that even accepting the allegation as it is of the non-applicant No.2 that they have also assaulted her, it is a general and omnibus allegation, without specifying any specific role. He also invited my attention towards the injury certificate and submitted that if the statement of the victim is to be taken into consideration, she has received only one injury, therefore, the allegation levelled against the applicant Nos.2 to 4 appears to be

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false, baseless and only because they are the relatives of the applicant No.1. In view of that, no prima facie case is made out against them and therefore, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention and submitted that considering that all the applicants have assaulted the informant. The applicant No.1 also subjected her for the forceful sexual assault. The allegation is substantiated by the medical certificate, hence prima facie case is made out and therefore, the application deserves to be rejected.

9. On hearing both sides and on perusal of the investigation papers, it reveals that the allegation levelled against the applicant Nos.2 to 4 is baseless. It is not substantiated by any medical certificate or by any statement of the witnesses. It is apparent that they are implicated merely because they are the relatives of the applicant No.1. There is no allegation against them that they have either abused her on her caste also. Thus, no prima facie case is made out against the present applicants. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

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(ii) The prayer of the applicant No.1 is not pressed.

(iii) The FIR in connection with Crime No.149/2023 registered with Police Station Darwha, District Yavatmal for the offence punishable under Sections 376(2)(n), 324, 417, 504 read with Section 34 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(w)(i)(ii) and 3(2)(va), 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the consequent proceeding arising out of the same bearing charge sheet No.88/2023, are quashed and set aside to the extent of the applicant Nos.2 to 4.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)