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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1263 OF 2014

Mrs. Kalpana Naresh Chowdhary	... Applicant
Vs.	
The State of Maharashtra and Anr.	... Respondents

Mr. Rakesh Kumar Singh for the Applicant.
Dr. F.R. Shaikh, APP for the Respondent No.1.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 26th APRIL, 2016

PC.

1 Submissions of the learned counsel appearing for the Applicant were heard on 20th April, 2016. The Applicant herself is the informant at whose instance the FIR was registered by Vile Parle Police Station, Mumbai for the offences under Section 509 of the Indian Penal Code, 1860 and under Sections 66A and 67 of the Information Technology Act, 2000. The Applicant who is the first informant is seeking quashing of the FIR registered on the basis of her own complaint.

2 We have perused the FIR. According to us though the offence under Section 66A of the I.T. Act will not survive, but the

offence is of serious nature. The contention is that the health condition of the Applicant does not permit her to prosecute the criminal proceedings. The Applicant has set the criminal law in motion and now it is for the Police to investigate into the offence.

3 After having set the criminal law in motion, now the Applicant cannot say that she does not want Police to take action on the basis of the FIR.

4 Power under Section 482 of the Code of Criminal Procedure, 1973 has to be exercised sparingly and in rarest of the rare case. Considering the nature of the offence, we are not inclined to exercise power under Section 482 of the said Code.

5 We make it clear that we have made no adjudication on merits of the allegations made by the Applicant. It is for the Investigating Officer to come to his own conclusion after completing the investigation.

6 Subject to what is observed above, the application is rejected.

(P. D. NAIK, J)

(A.S. OKA, J)