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WP-661-2016 (SR. 36)

Monday, 25.9.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 661 OF 2016

Lalsingh Kuwarsingh Bhandari

....Petitioner

(Orig. Accused)

V/s.

The State of Maharashtra & anr.

....Respondents

* * * * *

Mr. C.K. Pendse i/by. Mr. V.L. Kolekar, Advocate for the petitioner.

Mr. F.R. Shaikh, Additional Public Prosecutor for the State.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

25TH SEPTEMBER, 2017.

P.C. :-

1. The above writ petition seeks quashing of the proceedings in C.C. No. 1944/PW/2015 pending on the file of the Learned Metropolitan Magistrate, Andheri, Mumbai. The said case has arisen out of C.R. which came

to be registered against the petitioner for the offences punishable under Sections 354, 354 (A), 354(D), 509 and 504 of the Indian Penal Code. The quashing of the FIR is sought on the ground that the same has been registered, as and by way of vengeance against the petitioner, who was the superior in office of the respondent no.2.

2. The Learned Counsel for the petitioner, sought to draw our attention to the aspect of the petitioner herein being exonerated in the complaint filed by respondent no.2 under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It was also the submission of the Learned Counsel that, it is only after the departmental action was taken against the respondent no.2, that the FIR in question came to be lodged by her. We have considered the said submissions of the Learned Counsel for the petitioner. What we find is that, the FIR has been registered on 17th June, 2015 by the respondent no.2 and that the proceedings under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,

2013 were commenced by the respondent no.2 on 3rd July, 2015 and the departmental enquiry was prior to the FIR. Prima-facie, we do not find that the FIR, was by way of a counter-blast. We restrain ourselves from going into the factual aspects, lest, it affects the petitioner in any application that the petitioner may file or at the trial. No relief can therefore be granted to the petitioner in the above petition. The writ petition is accordingly dismissed.

3. However, the statutory remedies of the petitioner are kept open to be invoked at the appropriate stage.

4. The proceedings in C.C. No. 1944/PW/2015 pending on the file of the Learned Metropolitan Magistrate, Andheri, Mumbai are expedited.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)