

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4220 OF 2016

Naina Gupta @ Kirti Sharma ... Petitioner
Vs.
The Union of India,
Through Nani Daman Police Station,
Daman & Ors. ... Respondents

Mr. A.P. Mundargi, Senior Counsel, a/w. Mr. S.A. Mehta and
Mr. Harshwardhan Pandey, for the Petitioner.

Mr. Subodh Desai, Special P.P., for Respondent No.1-UOI.

Mr. Prashant Mehndiratta, i/by Bimal Rajasekhar, for Respondent
No.3.

Mrs. A.S. Pai, A.P.P., for Respondent No.4-State.

Mr. Ravinder Kumar Sharma, Dy. Superintendent of Police, UT of
Daman, is present.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 29TH NOVEMBER 2017.

P.C. :

1. Heard Mr. Mundargi, learned Senior Counsel for the
Petitioner, Mr. Desai, learned Special P.P. for Respondent No.1-
UOI and Mr. Mehndiratta, learned counsel for Respondent No.3.

2. This Petition is filed for quashing the subject F.I.R., by consent, bearing C.R. No.169 of 2016, registered with Nani-Daman Police Station, Daman, for the offence punishable under Sections 384, 120-B and 506 of IPC.

3. The said F.I.R. is registered at the instance of Respondent No.2-Police Personnel. Respondent No.3 is a victim. The F.I.R. discloses that the Petitioner has, with the help of other two Accused, namely, Ashish Anan, Sub-Divisional Police Officer, and Jatin Dhankar, Head Constable, along with other five Police Personnel from Daman Police Station, have extorted an amount of Rs.6,00,000/- from Respondent No.3. The other Accused, namely, Ashish A and Jatin Dhan, Police Personnel, have charged for an offence under P.C. Act and Charge-Sheet is also filed.

4. The present Petition is filed by a lady, with whose active part, the Police Personnel have extorted the amount of Rs.6,00,000/- from Respondent No.3. The learned counsel for Respondent No.3 submits that, Respondent No.3 has filed an affidavit giving consent for quashing the subject F.I.R. as against

the Petitioner. Respondent No.3 has also denied that he was victim or any money was extorted from him.

5. The Petition is, however, strongly opposed by Mr. Desai, learned counsel for Respondent No.1-UOI. He submits that this is a case of honey-trapping, in which, apart from the Petitioner, high-ranking Police Officers are also involved.

6. Learned counsel for Respondent No.3 submitted that, Respondent No.3 is not supporting the prosecution case. He further submits that, Respondent No.2-Original Informant has also filed an affidavit, which does not support the prosecution case.

7. Considering, however, the nature of the offences; especially, as the same is alleged to have been committed by the high-ranking Police Officers, we are not inclined to exercise our extraordinary jurisdiction under Article 226 of the Constitution and Section 482 of the Cr.P.C.

8. Petition is dismissed.

9. Interim stay, if any, is vacated forthwith.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]