

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.56 OF 2018.

Jayant Gidwani. Petitioner.

V/s.

Police Inspector, Anjuna Police
Station and others. Respondents.

Mr. Ketki Pednekar, Advocate for the Petitioner.

Shri S. R. Rivankar, Public Prosecutor for the State-Respondent
No.1.

***Coram : C.V. Bhadang &
Prithviraj K. Chavan, JJ.***

Date : 22 March 2018.

P.C.:

Heard the learned Counsel for the Petitioner and the
learned Public Prosecutor.

2. By this Petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, the Petitioner/Accused is seeking quashing of the FIR No.87/2017, registered at the Anjuna Police Station and the consequent Charge-sheet in Criminal Case No.IPC 341/S/2017/D pending before the Judicial Magistrate, First Class, at Mapusa under Sections 504 and

506(ii) IPC.

3. Brief facts are that there is an agreement between the parties under which the Petitioner had undertaken to construct a bungalow for the complainant. It appears that certain disputes and differences arose between the parties in relation to the said agreement, which has led to the filing of the complaint by the Respondent No.3. It is alleged that on 18 July 2017, at 17.00 hours to 18.00 hours, the Petitioner abused the Complainant in filthy language and threatened him with life. In such circumstances, the FIR came to be registered on the basis of the complaint lodged by the Third Respondent, for the offences punishable under Sections 504 and 506(ii) IPC and on investigation, the Petitioner has been charge-sheeted.

4. It is contended by the learned Counsel for the Petitioner that the Complainant is trying to convert a civil dispute as to the execution of the agreement into a criminal one. It is submitted that even if the allegations are taken on their face value, no offence, as alleged, can be said to be made out.

5. We are not inclined to accept the contention. *Prima facie*, it appears that there is a complaint alleging that the Petitioner abused

the Complainant and also threatened him with his life. In such circumstances, it cannot be said that the dispute of civil nature is tried to be converted into a criminal one, nor can it be accepted that the allegations taken on their face value do not *prima facie* make out any offence. In our considered view, the matter involves appreciation of evidence, which can only be done at the trial.

6. The learned Counsel for the Petitioner has placed reliance on a decision of the Supreme Court in *Manik Taneja vs. State of Karnataka*, (2015) 7 SCC 423, in order to submit that each and every utterance would not amount to criminal intimidation. We find that the case is clearly distinguishable on facts. In the case before the Hon'ble Supreme Court, the Petitioner had posted certain comments on the social media of the traffic police and it was not a case where there was any incident of criminal intimidation.

7. On hearing the learned Counsel for the parties, we do not find that this is a fit case for quashing the criminal case. The Petition is without merit and is, accordingly, dismissed.

Prithviraj K. Chavan, J.

C.V. Bhadang, J.