

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 79 OF 2018

Sandesh G.Shigaonkar

... Petitioner

Versus

State Through the Police Inspector,
Panaji and others.

.... Respondents

Mr. T.George John, Advocate for the Petitioner.

Mr. Pravin N. Faldessai, Additional Government Advocate for the
Respondent Nos.1 & 2.

Mr. V.Naik, Advocate for the Respondent no.3.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 23 October 2018.

P.C. :

This Petition is filed for quashing the First Information Report No.9 of 2015 dated 6 January 2015 filed against the Petitioner. The Complainant filed a Complaint to the Police Station on 6 January 2015. A statement was also given by the Complainant. According to the Complainant, he was residing with his family, his son and married daughter and the Petitioner along with two other persons came to meet his daughter. The Petitioner created disturbance

at the gate and started shouting in loud noise. The Petitioner was holding a stone in his hand to hit the stone on gate lock and the Petitioner hit on the gate and after pushing the gate he came inside and he pushed his daughter and slapped the minor son. He also tried to hit the Complainant with the stone but his daughter intervened, he left the spot. Upon this complaint, offences were registered against the Petitioner under Sections 447, 325, 427 read with Section 341 of Indian Penal Code and Section 8 of the Goa Children's Act.

2. The learned counsel for the Petitioner contended that all that is alleged against the Petitioner is that he slapped the child and such a single slap will not amount to an offence under the Goa Children's Act, 2003.

3. The slap is not an isolated incident. It is alleged that the Petitioner committed criminal trespass, tried to assault the family members of the Child, pushed his mother aside and tried to hit the grandfather. As a part of the altercation that he slapped the child.

4. The definition of the 'Child Abuse' under the Goa Children's Act, 2003 is comprehensive and would take into an ambit such actions as well. Therefore, in the facts of this case, we cannot accede the contentions that there are no ingredients of Section 8 of the

Goa Children's Act in the complaint alleged against the Petitioner. No other submission was advanced.

5. We are of the opinion that this is not a fit case to exercise the power under Section 482 of the Code of Criminal Procedure. The Criminal Writ Petition is accordingly dismissed. We make it clear that the above observations were made in the context of the exercise of this jurisdiction and the trial will be conducted on its own merits.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.