

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 286 OF 2015**

Mohammed Irshad Bhatti

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

**Mr. Niteen Pradhan a/w Mr. Ashok Mishra a/w Mr. Pradeep Dube i/b
Solicis Lex for the Applicant**

**Mr. Rizwan Merchant i/b Rizwan Merchant & Associates for the
Respondent No.2**

Mr. K. V. Saste Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ**

DATE : 16th JANUARY, 2018

P.C.

1 The above Criminal Application has been filed for quashing the FIR dated 26-2-2015 registered with the Juhu Police Station, Mumbai for offence punishable under Sections 354 A(1)(3) and 354 D of the IPC.

2 The Applicant herein is a practicing Lawyer and is an Assistant Professor in the Pravin Gandhi Law College, Vileparle, Mumbai. The first informant was a final year student of the 5 year LLB Course. The Respondent No.2 was in a class where the Applicant herein was teaching the subject of Alternative Dispute Redressal. The gravamen of the allegations against the Applicant is as regards his conduct post the lecture getting over on a particular day and thereafter on subsequent days. We do not deem it appropriate to go

into details in so far as the said aspect is concerned at this stage.

3 The principal contention of the Learned Counsel appearing for the Applicant whilst questioning the registering of the FIR under the said provisions is revolving around whether the ingredients of the said offence are prima facie existing. In support of the said contention the Learned Counsel took us through the FIR dated 26-2-2015. We have with the assistance of the Learned Addl PP Mr. Saste also perused the statement of the friends / co-students of the first informant recorded during the course of the investigation. On such perusal, we find that this is not a case where the offence under Section 354 A(1)(3) and 354 D could not have been registered. Lest it affects the Applicant at the Trial, we do not deem it appropriate to refer to in detail the material which has been gathered by the Investigating Agency. Suffice it would be to state that we do not find this a fit case to exercise our jurisdiction under Section 482 of CrPC and Article 226 of the Constitution of India. The Criminal Application is accordingly dismissed.

4 The Learned Counsel for the Applicant seeks continuation of the ad-interim order which is in operation. In the facts and circumstances of the case, the said request is rejected.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]