

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 619 OF 2017

Adwait Goel

....Applicant

V/s.

The State of Maharashtra
and Ors.

....Respondents

* * * * *

Mr. Kapil Dave i/by. M r. S.R. Mishra, Advocate for the
applicant.

Mrs. A.S. Pai, Additional Public Prosecutor for the
respondent no.1, State.

Ms. Racheeta R. Dhuru, Advocate for respondent no.3.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

9TH FEBRUARY, 2018.

P.C. :-

1. By the above application, the applicant seeks
quashing of the FIR bearing No. 262 of 2017 dated 17th
June, 2017 registered with Samta Nagar Police Station
for the offences punishable under Sections 376, 376(II),
417, 323 and 504 of the Indian Penal Code.

2. The principle contention of the Learned Counsel for the applicant is that, the relationship between the applicant and the First Informant was consensual and in support, thereof he seeks to draw our attention to the material which is annexed to the above application. It is required to be noted that, the investigation is yet not completed as the Learned APP appearing for the State, has no instructions as regards the filing of the chargesheet. The offence under Section 376(II)(n) of the Indian Penal Code being said to be one against the Society, we are unable to countenance the submissions urged on behalf of the applicant as regards the consensual relationship between the parties. We, therefore, do not deem it appropriate to interdict in our jurisdiction under Section 482 of the Criminal Procedure Code. The Application is accordingly rejected.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)