

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4857 of 2018**

Mrs. Bharati Amrutlal Nakum	Petitioner
versus	
The State of Maharashtra	Respondent

Mr. Himmat Singh along with Mr. Rakesh Mishra, advocate for the petitioner.
Mrs. Prajakta P. Shinde, APP for the State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 30th OCTOBER, 2018.

P. C. :

Heard learned counsel for the petitioner and learned APP for the State.

2. The complainant herself has approached this Court invoking jurisdiction under Articles 226 and 227 of the Constitution of India read with the provisions of section 482 of the Code of the Criminal Procedure, 1973 to quash and set-aside the FIR bearing CR No.598 of 2018 registered with Samta Nagar Police Station, Mumbai, for the offences punishable under sections 354 and 323 of the Indian Penal Code, 1860 and sections 8, 12 and 21 of the Protection of Children from Sexual Offences Act, 2012.

3. The complainant is the grandmother of the victim. The allegations made in the complaint are to the effect that the

complainant's daughter, though married, is having an extramarital relationship with one Rajesh Munjal. It is further alleged that on 27th August, 2018, the victim told her that in the year 2013-2014, she along with her mother and the said Rajesh Munjal had gone to Shirdi and during the stay at Shirdi, the said Rajesh Munjal misbehaved with her in the presence of her mother. On the say of the minor victim, the complaint came to be filed.

4. The complainant approached this Court when she realised that whatever story narrated by the victim/her grand-daughter was false and concocted. She has stated in the petition that the victim/her grand-daughter later on told her that the alleged incident of the year 2013-14 at Shirdi which she narrated to her was at the instance of her father, maternal uncle and aunty. She also told the complainant that nothing of the sort of the incident alleged in the FIR happened at Shirdi. The victim told the complainant that she never went to Shirdi with the accused – Rajesh Munjal. When the complainant realised her mistake, she approached this Court for quashing the subject FIR. Before approaching this Court, the complainant had also approached the Senior Inspector of Police, Samta Nagar Police Station and given an application dated 22nd September, 2018, a copy of which is annexed at "Exhibit-A", Page 56. We have gone through the same and whatever stated hereinabove is also reiterated in the said application.

5. The petitioner/complainant and the victim/her granddaughter are present before us. We had an interaction with them. Both of them stated that the incident in question as alleged in the FIR never occurred and the victim girl made false narration of the same at the instance of her father and maternal uncle and aunty. The petitioner also state that the subject FIR is filed out of misrepresentation and the same be quashed and set-aside.

6. In the light of the above, we quash the subject FIR. The petition is accordingly allowed in terms of prayer clause (a) and is disposed of as such.

7. At this stage, the learned counsel for the petitioner submit that the accused No.2-Rajesh Kishan Munjal is in custody. Since we have quashed the subject FIR, he is directed to be released forthwith, if not required in any other case.

8. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[SMT.BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]