

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4979 OF 2017**

Hemant Shivaji Naukudkar

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Amogh Khadye for the Petitioner

Mrs. M. M. Deshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SARANG V KOTWAL,JJ
DAE : 27th MARCH, 2018**

PC.

1 The above Writ Petition has been filed for quashing of the FIR being C. R. No.90 of 2017 registered with the Kagal Police Station for the offences punishable under Section 376, 323 and 504 of the IPC. The quashment of the FIR is sought on the ground that the Petitioner and the Respondent No.3 were in relationship and therefore the acts alleged by the Respondent No.2 against the Petitioner were consensual.

2 We have perused the FIR in question. As indicated above, the offence alleged is one under Section 376 of the IPC, it is not possible for us at this stage to record a finding one way or the other in our jurisdiction under Article 226 of the Constitution of India. However, considering the fact that the

offence under Section 376 is considered as an offence against the society, we do not deem it appropriate to exercise our Writ Jurisdiction. The Writ Petition is accordingly dismissed.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]