

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.5190 OF 2017

Mahesh Damu Khare : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Ankur Pahade i/by M/s Jay and Co. for the Petitioner.
Mr. F R Shaikh, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SANDEEP K SHINDE, JJ.**
DATE : 12th FEBRUARY 2018

P.C.

1 The above Writ Petition seeks quashing of the FIR being CR No.302 of 2017 dated 15/08/2017 registered with Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 376, 420, 504 and 506 of the Indian Penal Code. The FIR discloses the facts which according to the complainant constitute the offence under Section 376 of the Indian Penal Code. The Petitioner herein denies having any relationship with the Respondent No.2 and it is the case of the Petitioner that he has been roped in a false case by the Respondent No.2. In our view, those would be the aspects in respect of the investigation that would be carried out and the offence being one under Section 376 of the Indian Penal Code which is considered to be an offence against the society, we do not deem it appropriate to interfere in our writ jurisdiction. The reliance placed on the order passed by a Division Bench of this Court sitting at Nagpur does not further the case of the Petitioner as the

facts involved in the said case stand apart from the facts involved in the present case, as in the said case it appears that the accused had approached the Court on the ground that the relationship between the parties was consensual, such are not the facts in the instant case. The above Writ Petition is accordingly dismissed.

[SANDEEP K SHINDE, J]

[R.M.SAVANT, J]