

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.899 OF 2019

Hemant Janimal Sablani : Applicant.

Versus

Miss. Chanda Jawarlal Shinde & anr. : Respondents.

Mr. Ajinkya Jaibhave for the Applicant.

Mr. Deepak Thakare, PP a/w Mr. S R Shinde, APP for the Respondent/State.

CORAM : S. S. SHINDE,
M. S. KARNIK, JJ

DATE : 05th NOVEMBER 2020

P.C.

1 By this Application the Applicant takes exception to the FIR No.264 of 2019 dated 13/06/2019 registered with Sarkarwada Police Station, Nashik, for the offences punishable under Sections 376, 376(D), 354-A, 506 of the Indian Penal Code.

2 The learned counsel appearing for the Applicant invites our attention to the contents of the FIR and submits that there is no overt act attributed to the present Applicant. He further submits that even if the allegations made in the FIR are read in its entirety, the ingredients of Section 376 of the Indian Penal Code are not attracted. There is no role attributed to the present Applicant in the entire incident stated in the FIR. Therefore the learned counsel relying upon the averments made in the application and the grounds taken therein prays for quashing the FIR.

3 The learned APP appearing for the Respondent/State invites our attention to the contents of the FIR and other accompaniments of the application and submits that prima facie involvement of the applicant is stated in the FIR, therefore, at the stage of investigation of the FIR, this Court may not interfere in the investigation.

4 We have heard the learned counsel appearing for the Petitioner and the learned APP appearing for the Respondent/State. Upon careful perusal of the contents of the FIR, it is revealed that the name of the applicant is mentioned and his overt act is also attributed. It is stated in the FIR that the applicant asked for sexual favour from the informant. When the investigation is in progress and the applicant is named in the FIR and his overt act is attributed, it is not desirable to interfere with the investigation and accede to the prayer of the applicant.

5 For the reasons afore-stated, the application is devoid of any merits and the same stands rejected.

6 The observations made herein above are prima facie in nature and confined to the adjudication of this application. We also make it clear that rejection of this application shall not be construed as an impediment to the

applicant to avail of efficacious alternate remedy as is available in law in the event of filing of charge-sheet by the concerned Investigating Officer.

7 This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

[M. S. KARNIK, J]

[S. S. SHINDE , J]