

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.57 OF 2019

Somnath Dnaynoba More And Ors. .. Applicants

v/s.

The State of Maharashtra And Anr. .. Respondents

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Dr. Uday Warunjikar, a/w. Mr. Siddesh Pilankar, for the Applicants.

Mrs. A.S. Pai, PP, for Respondent State.

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**CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.**

DATE : 6 DECEMBER 2021.

P.C:-

Heard the learned Counsel for the Applicants.

2. The application is filed for quashing of FIR No.1425/2018 registered at Hadapsar Police Station, Pune for the offences punishable under Sections 354A(i), 506 and 34 of Indian Penal Code.

3. We have perused the FIR, which is lodged by Respondent No.2. In the FIR, Respondent No.2 has made allegations against her father-in-law, i.e. Applicant No.1, that she was being sexually harassed by the Applicant and that he was demanding physical relationship with

her. She tried to bring the same to the notice of her husband (Applicant No.2), but he did not believe her. Therefore, the FIR was lodged against the Applicants, on these facts and circumstances.

4. The learned Counsel for the Applicants sought to contend that the incident stated is of November 2017. However, the FIR is filed after period of one year. The learned Counsel for the Applicants also sought to contend that the allegations in view of the conduct of Respondent No.2 are not believable.

5. The parameters of exercise of extra ordinary jurisdiction of this Court for quashing of the FIR are now well settled and the power is to be used in exceptional circumstances and when the FIR on the face of it does not disclose any offence. Considering the allegations stated in the FIR and the relationship between the parties, and the nature of allegations, the delay in lodging the FIR cannot be considered as a gross one so as to discredit the entire case. It is not possible to exercise writ jurisdiction to evaluate evidence and to hold that the Applicants are not guilty. For that exercise, the Applicants have a remedy of applying for discharge, more particularly now, since it is informed by the learned PP that charge-sheet is filed.

6. We make it clear that our observations are in the context of exercise of extra ordinary power of this Court and if the Applicants

apply for discharge, the concerned court will decide the application on its own merits uninfluenced by what we have stated in this order.

7. The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)