

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2230 OF 2021

Mr. Satyabeer Singh

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Ramesh Tripathi for Petitioner.

Ms. S. D. Shinde, APP for State/Respondent No.1.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 13 DECEMBER 2021

P.C. :

. Heard the learned counsel for the Petitioner and the learned APP.

2. The Petitioner has sought to quash the F.I.R. No.0006 of 2020 filed by the Respondent No.2 at Kharghar police station, Navi Mumbai for the offences punishable under sections 354, 504 and 509 of the Indian Penal Code and the charge-sheet bearing R.C.C.No.109 of 2021 pending before the J.M.F.C., Panvel.

3. The Respondent No.2 has filed F.I.R. stating that she resides at the address given in the F.I.R. along with her family

members. Her husband is Government servant. The Respondent No.2 is Managing committee member of the housing society. A meeting was held on 5 January 2020 in respect of functioning of the society. That time other committee members were present. After the meeting was over and the Respondent No.2 was coming out the Petitioner committed certain acts by touch and speech outraging modesty of the Respondent No.2. On this ground the F.I.R. was lodged.

4. The learned counsel for the Petitioner submitted that, CCTV footage will show that the incident did not take place as alleged. The learned counsel for the Petitioner sought to contend that the F.I.R. is lodged out of dispute between the Managing committee members. It is also contended that the ingredients of Sections 354, 504 and 509 of IPC are not made out.

5. In the F.I.R., the Respondent No.2 has given specific details of the incident. Apart from actions, words as per section 509 of IPC can also outrage the modesty of woman and, therefore, CCTV footage will not show the same. Apart from this position, statements of others who have witnessed the incident are part of the charge-sheet. It cannot be said therefore that no incident has taken place at all. The scope of jurisdiction under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure is settled by various decisions of the Apex Court. It is to be used in

extraordinary circumstances, no such extraordinary circumstances exist.

6. In the light of this position, no relief can be granted in this Petition which is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)