

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 464 OF 2021

Mr.Sachin Ramchandra Shirwale. ... Applicant.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Satish Sakat for the Applicant.
Mr.K.V.Saste, APP for the Respondent- State.
Ms.Yashoda Jondhale i/b. Jondhale & Co. for Respondent No.2.

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

DATE : 29 November 2021.

P.C. :

The Applicant has sought quashing of the FIR i.e. C.R.No.216/2021 registered with Kandivali Police Station lodged by Respondent No.2 for the offences punishable under sections 354, 354(a), 354(b), 506(2) of the Indian Penal Code. Quashing of FIR is sought on the ground that the Petitioner and Respondent No.2 have resolved their dispute. The Respondent No.2 has tendered a consent affidavit.

2. In the context of this request, we have gone through the contents of the FIR. The allegations in the FIR filed by Respondent

No.2 is that her husband had illicit relations with the wife of the Applicant. Respondent No.2 confronted her husband on various occasions and though he had promised that he will discontinue the relations with that lady, he continued with the same. According to Respondent No.2, she found out the contact details of the Applicant and informed him about the illicit relations whereupon the Applicant called Respondent No.2 to a private lodge to discuss and threatened her to disrobe and took her indecent photographs and video and attempted to sexually assault her. Having considered the contents and allegations of the FIR, we are not inclined to exercise our extra ordinary jurisdiction to quash the FIR either by consent or on merits. The particulars which are given in the FIR are in sequence. No case is made out at all to exercise the extra ordinary jurisdiction to quash the FIR on merits.

3. If the Applicant has any statutory remedy, such as seeking discharge, it is open to the Applicant to do so which, if adopted, will be considered on its own merits as per law. The Registry shall flash the name of Respondent No.2 by showing her name as "XYZ".

4. The application is accordingly disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)