

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.430 OF 2020

Sunil Maragu Chougule

...Applicant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr. Sachin Gite, for the Applicant

Mr. Sanjay Ghaisas, for Respondent No. 2.

Mr. Deepak Thakre, PP a/w. Mr. J.P. Yagnik, APP for State.

**CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.**

**DATE : JULY 06, 2021
(THROUGH VIDEO CONFERENCING)**

P.C.:

. This application under section 482 of the Code of Criminal Procedure, 1973 is filed to quash the First Information Report No. 84 of 2020 registered against the applicant at Sinnar police station, Dist.Nashik for the offences punishable under section 354, 354-D, 506 and 509 of the Indian Penal Code, 1860.

2. The gravamen of the indictment against the applicant is that the applicant accosted the Respondent No. 2 a co-teacher, on 2th February, 2020 and forced her to board Ertiga car and outraged her modesty. Thereafter, the applicant threatened to make their photographs viral and to see to it that Respondent No. 2 loses employment.

3. An affidavit in reply on behalf of Respondent No. 2 has been

filed.

4. We have heard Mr. Gite, learned counsel for the applicant and Mr. Yagnik, learned APP for the State and Mr. Ghaisas, the learned counsel for Respondent No. 2- First Informant.

5. In the intervening period, the chargesheet has been filed before the jurisdictional Magistrate. It is trite that while exercising the extraordinary and inherent jurisdiction under section 482 of the Code, the Court can not delve into truthfulness or otherwise of the allegations. What is required to be considered is whether the unconverted allegations in the First Information Report or the report under section 173 of the Code do not, prima facie, disclose an offence.

6. In the case at hand, since the chargesheet is filed, we are of the view that, it would be appropriate for the petitioner to file an appropriate application before the jurisdictional Court for discharge, in the event charge is yet not framed.

7. With the aforesaid liberty, the petition stands dismissed.

8. We, however, make it clear that we have not entered into the merits of the matter and all contentions of all the parties are kept open for consideration.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)