

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3432 OF 2021

Suhas Sambhaji Bhakare Petitioner
Versus
The State of Maharashtra and another
Respondents

....
Mr. Niranjan Bhavake, Advocate for the Petitioner.
Ms. M.H. Mhatre, APP for Respondent No.1 -State.
....

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

DATE : 20 OCTOBER 2021

P.C.

This Petition is filed for quashing of C.R. No.344/2021 registered with Pimpri Police Station for the offences punishable under Section 384 of the Indian Penal Code.

2. The FIR was filed by Respondent No.2 with the Pimpri Police Station on 12 May 2021. It was stated in the FIR that Respondent No.2 is a Chief Executive Officer of a private hospital-cum-care center which was also conducting a COVID center. It is the case of Respondent No.2 that the Petitioner, who was working as

a Journalist, was pressurizing them to pay some amount otherwise he will publish news against Respondent No.2 which will result in termination of their contract. According to Respondent No.2, on 23 February 2021 when he had approached the Municipal Corporation in respect of the contract work, the Petitioner asked for Rs.Five Lakhs as extortion money and out of fear, out of amount of Rs.Five Lakhs, Rs.Two Lakhs were given by cash and Rs.Three Lakhs were transferred by bank transfer to the Petitioner.

3. The learned counsel for the Petitioner submitted that the Petitioner was helping Respondent No.2 by giving creative writing inputs and Rs.Three Lakhs was the remuneration for the same. He also submitted that the money was later returned.

4. We are not considering a trial but, whether the case is such that no further investigation is required and the case needs to be quashed at this stage itself. According to us, the explanation given before us by the Petitioner that Rs.Three Lakhs were paid for creative writing does not sound plausible as what is entered into is only a correspondence in respect of a tender. No creative writing is required for the same. Then it was submitted that it was remuneration for help in getting the contract. Considering the profession of the Petitioner as a journalist emphasised before us, we are unable to understand how the Petitioner is justified in acting as a

“middle man” for getting a contract from the Municipal Corporation. *Prima facie*, therefore, there is a need for further investigation.

5. No case is made out for exercise of extraordinary jurisdiction. Neither it can be said that it is a rarest of rare case as laid down by the Apex Court in the case of *Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others* as reported in 2021 *SCC OnLine SC 315*. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

Deshmane (PS)

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