

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2812 OF 2018

Ms. Harita Sunil Parab

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Dr. Prakash K. Deshmukh (Appointed Advocate) for Petitioner.

Mr. J. P. Yagnik, APP for State/Respondent No.1.

Ms. Harita Parab, Petitioner in person, present.

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

DATE : 30 NOVEMBER 2021

P.C. :

1. Heard the Petitioner in person along with the learned appointed advocate and the learned APP for Respondent/State.

2. The Petitioner Harita Parab has sought to quash the F.I.R. bearing No.92 of 2018 lodged on 1 March 2018. The F.I.R. was lodged with an allegation that, on 1 March 2018, at 11.30a.m. the informant noticed that a child was being assaulted by one Raju @ Sanjeev Batra and when the informant went to inquire, said Raju assaulted the informant and abused her. With these allegations against Raju Batra the F.I.R. is lodged.

3. We inquired to the learned APP as to how the present Petitioner Ms. Harita Sunil Parab is involved in this incident which

only refers to Raju @ Sanjeev Batra, the learned APP in turn submitted that it is because of the supplementary statement. He has drawn our attention to the statement dated 4 March 2018, wherein, the informant has stated that at 8.45p.m. on 1 March 2018 when the informant and her friend were trying to remove their car from the parking area, Raju @ Sanjeev Batra and the present petitioner assaulted them. This, however, is an entirely different incident. The learned APP also had to accept that this is entire different incident than the one in the present F.I.R. which is only concerned with the incident at 11.30 in the morning in respect of a child, which admittedly does not name the Petitioner.

4. In view of this position, case is made out by the Petitioner to quash the F.I.R. in question as regard the Petitioner.

5. Accordingly, the F.I.R. No. 92 of 2018 as regard the present Petitioner will have to be quashed. The Writ Petition is allowed in terms of prayer clause (a) as regards Petitioner - Ms. Harita Sunil Parab.

6. We make it clear that we have not commented upon the incident that is stated to have taken place on 1 March 2018 at 20.45 in the evening and if any F.I.R. is filed as regards that incident.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)