

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.5867 OF 2021**

Hemantkumar Jaypal Dhale	]	Petitioner
Vs.		
1. Sakshi Sanjay Palande	]	
2. State of Maharashtra	]	Respondents

.....

Mr. Nitin B. Patil, for Petitioner.

Mr. S.S. Hulke, A.P.P, for Respondent No.2-State.

.....

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 12th DECEMBER, 2022.

ORDER: [Per Prithviraj K. Chavan, J.]:

1. Heard learned Counsel for the petitioner.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.2-State.

3. By this petition preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioner seeks quashing of the First Information Report bearing No.320 of 2021 registered with the Bhoiwala Police Station for the alleged offences punishable under sections 354 A (1) (iv), 324, 509, 504 and 506 of the Indian Penal Code (for short "I.P.C").

4. Prosecution case, in a nutshell, can be stated as follows; Respondent No.1 is a student aged about 20 years, prosecuting her studies. The petitioner and respondent No.1's family are neighbours. On 8th July, 2021 around 8.30 p.m., when the respondent No.1 was standing outside her house with her friend, the petitioner pushed her. When the respondent No.1 asked the petitioner about his act, which according to the respondent No.1, was deliberate, the petitioner abused the respondent No.1. The petitioner was under the influence of the liquor. The allegations are that the petitioner was in a habit of picking up quarrels with the respondent No.1's family.

5. Again, on 9th July, 2021 at about 6.15 p.m, when the respondent No.1 was about to leave her house with her friend for attending Gym, it is specifically alleged that the petitioner stared at her lasciviously. He grabbed her hand and uttered filthy words. When mother of the respondent No.1 asked the petitioner about his misdeed, he alleged to have threatened and assaulted her with a bamboo stick. He also threatened that he will jeopardize the career of respondent No.1's father. The petitioner was caught by the neighbours and was brought to the Police Station, where, pursuant to a report by the informant, crime as above, came to be registered against him.

6. We heard learned Counsel for the petitioner.

7. *Ex facie*, this is not a case which would fall within the parameters of the guidelines in case of **State of Haryana and others Vs. Bhajan Lal and others**¹ wherein it has been laid down that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection, that too, in the

1 1992 Supp (1) SCC 335

rarest of rare cases. The extraordinary or inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice. The Court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R or the complaint.

8. *Prima facie*, a perusal of the F.I.R indicates commission of the alleged offence by the petitioner especially under section 354 (1) (iv) which has been invoked by the prosecution. As already stated, we cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the F.I.R.

9. Needless to state that we cannot go into the defence which the learned Counsel for the petitioner has endeavoured to demonstrate as to how the petitioner's mother slipped in the common passage of their houses where the respondent No.1's family had installed tiles. It is alleged that due to the said act of the respondent No.1's family, the petitioner's mother fell and sustained injuries to her legs, waist, hand and mouth. It also

cannot be countenanced that merely because father of the respondent No.1 is an Assistant Sub Inspector in the Police, a concocted F.I.R came to be lodged.

10. As such, we do not find any merit in the application which would warrant exercising our inherent powers under section 482 of the Cr.P.C. Consequently, the petition stands dismissed.

11. We make it clear that we have not gone into the merits of the allegations.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]