

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

CRIMINAL WRIT PETITION NO. 1181 OF 2020

Amol Baban Sambare

...Petitioner

Versus

The State Of Maharashtra And Anr

...Respondent

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
SHARAD PATIL
Date: 2023.04.21
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Mr. Jay. S. Patil, for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent/State.

**CORAM : SUNIL B. SHUKRE, AND
M.M.SATHAYE, JJ.**

DATE : 18th APRIL 2023

PC:-

1. Rule. The learned AGP waives service for Respondent No. 1.

Rule made returnable forthwith. Heard finally by consent of the parties.

2. Learned Counsel for the Petitioner has prayed for quashing of proceedings registered against the Petitioner for offence punishable under Section 177 of the Indian Penal Code, 1860. The alleged information was in the nature of WhatsApp message.

3. We have gone through the WhatsApp message. It is at page 30 of the Petition. It only says that the Petitioner had learnt about

seizure of amount of Rs. 37 lakhs in cash from the car belonging to one Shiva Sambare. This message also asks the members to check as to whether or not the information that he has received is correct or not. It is clear that while posting the information on WhatsApp message, the Petitioner did not say that the information was true. Rather, the Petitioner has urged members of group to verify whether the information was right or wrong, as the Petitioner himself was not sure about its truthfulness or falsehood.

4. It is clear that no offence whatsoever punishable under Section 177 of the Indian Penal Code, is prima facie, made out. This is a fit case for making interference.

5. The Writ Petition is therefore allowed in terms of prayer clause (b).

6. Rule is made absolute in above terms. No order as to costs.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)