

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 426 OF 2019**

Rachana Bipin Zaveri

...Applicant

Versus

The State Of Maharashtra And Anr

...Respondents

Mr. Vinod Naik i/by M/s. V. N. Naik and Co. Advocate for Applicant.

Mrs. M. M. Deshmukh, APP for Respondent-State.

PSI Jamadar attached to Santacruz Police Station, Mumbai is present.

Ms.Christina Harikishan Shah, Respondent No.2 in person present.

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**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.****DATE : 28th APRIL 2023.****P.C.:-**

1. By the present Application, Applicant has prayed for quashing of C.C. No. 7100244 of 2019 pending on the file of learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai, arising out of C.R. No.510 of 2018, dated 14th October 2018 registered with Santacruz Police Station, Mumbai under Section 354 of the Indian Penal Code.

2. Heard Mr.Naik, learned Advocate for Applicant and Mrs.Deshmukh, learned APP for Respondent No.1-State.

Respondent No.2 is personally present in the Court along with her father Shri Hari Krishan Shah.

3. It is the contention of learned Advocate for the Applicant that, even if the contents of F.I.R. are taken to its face value, still the ingredients of offence

under Section 354 of Indian Penal Code cannot be inferred. It is submitted that, no offence as contemplated under Section 354 of IPC against Applicant, who was the Warden of the hostel, where the Respondent No.2 was studying, can be said to have been made out. That, the Applicant being Warden of the hostel, for imbibing discipline in the pupils, who were residing in the said hostel, took certain stringent actions against them, due to which and out of animosity present crime is registered.

4. Respondent No.2 is personally present in the Court along with her father. She produced photocopy of her Aadhar Card. P.S.I. Jamadar, attached to Santacruz Police Station, Mumbai, who is presently in-charge of the present crime has verified the said document (i.e. Aadhar Card) to be genuine from the official website of the Government of India.

Respondent No.2 through the learned APP submitted that, she has returned back to her native place i.e. Jammu city and she does not intend to pursue present crime further. She has willingly given her 'no objection' for quashing the crime in question. Photocopy of the said Aadhar Card is taken on record.

5. In view of the above and without entering into and/or examining the merits of the case, we allow the Application in terms of prayer clause (b).

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)