

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.614 OF 2019**

Najim Jafar Shaikh] **Applicant**
Vs.

1. Shehzad Harun Sayyed]

2. State of Maharashtra] **Respondents**

.....

Mr. Santosh R. Vishwakarma, for Applicant.

Mr. K.V. Saste, A.P.P, for Respondent No.2-State.

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

DATE : 12th JANUARY, 2023.

P.C:

1. Heard learned Counsel for the applicant and the learned A.P.P, appearing for respondent No.2-State.

2. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the applicant seeks quashing of the First Information Report (for short "F.I.R"), registered with the Ghoti Police Station, Talukar Igatpuri, District Nashik, vide C.R. No.I-141 of 2018 for the alleged offences punishable under sections 353, 354 (1) (4) and 506 of the Indian Penal Code (for short "I.P.C").

3. Learned Counsel for the applicant submits that the allegations made as against the applicant are false and baseless and that no offence as alleged is made out as against the applicant. He further submits that the respondent No.1 has filed a false case against the applicant, as a counterblast to the complaint filed by him as against the respondent No.1.

4. Learned A.PP opposed the application.

5. Perused the papers. According to the respondent No.1- Original Complainant, she was working as a Headmistress in Z.P. Urdu Primary School at Ghoti, Igatpuri, Nashik, for about four years, at the relevant time. According to the respondent No.1, the applicant would harass her and would ask her to appoint him as the President of the Educational Management Committee, else, he would make application to initiate inquiry against her. She has further stated that the applicant used to mentally harass her. According to the respondent No.1, the applicant used to obstruct the school work by threatening her. She has further stated that on 17th October, 2018, respondent No.1 came to the School and questioned her in respect of purchase of uniforms. The applicant

stated to have also threatened the respondent No.1 to go on hunger strike and commit suicide. She has further stated that the applicant pulled his chair close to her and uttered certain objectionable words resulting in outraging her modesty. The said incident was witnessed by other staff members. Pursuant thereto, the aforesaid complaint was lodged as against the applicant.

6. Having perused the papers, *prima facie*, offence is disclosed *qua* the applicant and hence no ground is made out to quash the C.R initiated at the behest of respondent No.1, under section 482 of the Cr. P.C. The case of the applicant does not fall under any of the parameters laid down by the Apex Court in the case of **State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) Supreme Court Cases, 335.**

7. The observations are, *prima facie*, for the purpose of deciding this application. The trial Court to decide the case on its own merits, uninfluenced by the observations made hereinabove.

8. Application is accordingly dismissed.

9. All concerned to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]