



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL APPLICATION NO. 2219 OF 2024

Dinesh s/o Mahesh Shinde,
Age-22 years, Occ - Education,
r/o-Ausarkarmala, Om colony,
Saras Nagar, Ahmednagar, Tal. &
Dist. Ahmednagar.

Applicant.

Versus

1) State of Maharashtra.

2) Sakshi d/o Pankaj Baheti,
Age-22, occ- Education, r/o- Kasbapeth,
Pathardi, Tal. Pathardi,
Dist. Ahmednagar.

Respondents.

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Advocate for Applicant : Mr. N.R. Shaikh
APP for Respondents: Ms. R P Gour

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CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.

Dated : August 29, 2024

PER COURT :-

1. Present application has been filed under section 482 of the Criminal Procedure Code for quashing of the FIR vide Crime No.360 of 2024 registered with MIDC Police Station, Ahmednagar against the present applicant for the offence punishable under section 354, 354-A, 354-B, 354-D and 506 of the Indian Penal Code.

2. Heard Mr Shaikh learned advocate for the applicant and Ms. Gour, learned APP for respondent no.1-State.

3. It is not even necessary to issue notice to respondent no.2.

4. Learned advocate for the applicant has taken us through the contents of FIR and then submits that contents of the FIR would show that it is outcome of a belated, concocted story. There is absolutely no explanation for the delay. Further, there is absolutely no mention in the FIR that whatever acts were allegedly done by the applicant was with an intention to outrage modesty of respondent no.2. Further, even if the allegations are taken as it is, then, it appears that respondent no.2 when alongwith the applicant far away from the city, they were knowing each other about three years prior to the alleged incident, and it appears that when the applicant alleged to be to got romantic with respondent no.2 and respondent no.2 said no, then he had stopped. This does not amount to outraging of the modesty. It would be a futile exercise to ask the applicant, who is of 22 years of age and taking education to face the trial.

5. It appears that even respondent no.2 is of 22 years age and was knowing the applicant since quite some time before the FIR. She says that she was considering the applicant no.1 as her friend. They used to meet each other. She says about some incident in March, 2023 wherein she says that applicant under the pretext of his birthday had taken her to a remote place. Then she has given details of the acts done by

the applicant with her. She has specifically stated that when she said no to the acts, they came back and she says that thereafter the applicant was trying to meet her frequently but she was avoiding and then he was also giving her calls and messages. This indicates that she had no intention to take the relationship any further than friendship. Now as regards pleadings are concerned, it is not necessary that it should be stated in particular words that it amounts to outraging of the modesty. Description of the acts would suffice to gather what the informant intends to convey and, therefore, we are not impressed with the submissions that since there is no specific mention that act of the applicant amounts to outraging of the modesty, it should be considered as essential ingredient of Section 354-A to 354-D as missing.

6. As regards to other offences is concerned, it has to be proved by the applicant at the time of trial. At present investigation appears to be still going on and, therefore, it will not be a case where we should exercise our inherent powers under section 482 of the Criminal Procedure Code to quash the FIR. In catena of judgments the Hon'ble Supreme Court and this Court guided that such inherent powers are required to be used sparingly and hence, the application stands **dismissed** at the threshold.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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