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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.15 OF 2025

Mr Sachin Sharma
Son of Chandar Pal Sharma,
41 years of age, married,
Businessman, Indian National,
Resident of H.No.Rose 425,
J.K. Road, New Minal Residency,
Govindrajja, Bhopal Madhya
Pradesh, 462023. ...Petitioner

Versus

1. State of Goa,
Through Police Inspector,
Porvorim Police Station,
Porvorim – Goa.

2. Golden Peace Hotels and Resorts
Pvt. Thr. its authorised
representative,
Shri Rigveda Amonkar,
Major of age,
Hotel Neo Majestice,
Opposite Azad Bhavan,
Porvorim-Goa. ...Respondents

Mr C. Padgaonkar with Ms V. Mahato, Advocate for the Petitioner.
Mr Somnath Karpe, Additional Public Prosecutor for Respondent No.1.
Mr Parag Rao with Mr A. Parrikar, Advocate for Respondent No.2.

**CORAM : BHARATI DANGRE &
NIVEDITA P. MEHTA, JJ.**

DATE : 6th AUGUST 2025

ORAL JUDGMENT : *(Per Bharati Dangre, J.)*

1. The petition seek quashing of the FIR No.126/2024 registered with Porvorim Police Station on 19.11.2024 thereby invoking Section 308(7) and Section 351(3) of the BNS Act, 2023.

The complaint being filed by Shri Rigveda Amonkar, Authorised Representative of Golden Peace Hotels and Resorts Pvt., specifically averred that the accused was a frequent guest of their casino and used to regularly purchase chips from the cashier's cage and engaged himself in a variety of gaming activities. However, he suffered losses and they were recorded in the turnover of the casino apart from the fact that the casino met tax responsibility by paying GST and income tax on these amounts.

Upon the losses having suffered, as per the complaint, Mr Sharma continued to make multiple complaints to various regulatory bodies across different States in India and responses were forwarded accompanied with the necessary documentation. This, according to the complainant, was nothing but the deceptive tactics by Mr Sharma, which was followed by forwarding whatsapp messages threatening to file complaints by making false accusations against Mr Shrinivas Naik, the Director of the Company and demanding a sum of Rs.1.5 crores. He was repeatedly alleging that in case his demands are not fulfilled, he will self immolate or file further complaints before various Authorities, including the complaints of money laundering, fraud, cheating, etc.

2. Therefore, the complaint was filed specifically alleging that the accused has been sending threatening messages to the complainant and to its Director through whatsapp demanding an amount of Rs.1.5 crores and clearly stipulating that if the demand is not fulfilled he will file false complaints under money laundering, cheating, fraud, etc., against the complainant and also forward intimation to the various Authorities like GST, Income Tax Department, etc.

3. The learned counsel Mr Padgaonkar in support of the petitioner would rely upon the decision of the Bombay High Court at the Principal Seat in case of ***Hemant Dhirajlal Banker V/s. State of Maharashtra & Ors.*** and ***Meenakshi Rupin Banker V/s. The State of Maharashtra and Ors.***[1] decided on 22.06.2023 to submit that the ingredients of the offence of Section 383 (present offence of extortion 308) necessarily involve (i) intentionally putting any person in fear of injury to that person, or any other person, (ii) inducing the person so put in fear dishonestly to deliver to any person any property or valuable security by the person put in fear and subjected to dishonest inducement.

According to him, if any of the ingredients which are identified by the Division Bench are absent the offence of extortion is not complete and this proposition was pronounced in the background of the Apex Court decision in the case of ***Dhananjay @ Dhananjay***

[1] 2023 ALLMR (Cri) 2368

Kumar Singh V/s. State Bihar & Anr.[2] as also the decision in case of ***R.S. Nayak V/s. A.R. Antulay and Anr.***[3].

4. There can be no quarrel about the aforesaid proposition as the offence of extortion, is specifically defined under sub-section (1) of Section 308 in the following manner:

> "*(1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.*"

What has been invoked in the present case is sub-section (7) of Section 308, which reads thus:

> "*(7) Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*"

5. It is in these background facts, we have perused the complaint and also perused the response of the complaint in form of an affidavit as it is categorically stated that repeated complaints have been made by the accused to various Authorities.

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[2] (2007) 14 SCC 768
[3] 1986 (2) SCC 716

In pursuance thereof, the petitioner is alleged to have resorted to criminal intimidation and it is specifically urged by Mr Karpe as well as Mr Rao representing the complainant that the accused visited the premises of the complainant on the morning of 21.11.2024 and four cheques were handed over to the petitioner and at that time he was apprehended, upon the receipts of the amount of Rs.1.00 crore, which is covered by the cheques.

In the narration of the aforesaid facts, since prima facie we find that the complainant was induced to deliver/part with the cheques only on account of the threats administered through various messages, that the complainant would be involved in false accusations and as a result of these threats the cheques came to be delivered, according to us, the ingredients of Section 308 are sufficiently made out.

In any case, since we are informed that the offences are under investigation and upon its completion appropriate steps shall be taken by the Investigating Officer, we refrain ourselves from exercising the inherent jurisdiction under Section 482 of CrPC as at this stage we are not expected to conduct a mini trial and it is trite position that the prosecution shall focus upon the complaint as it reads.

Hence, the Writ Petition is dismissed.

NIVEDITA P. MEHTA, J. **BHARATI DANGRE, J.**