

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.119 OF 2025

Sadhana Kapil Anand)
Age – 60 Years, Occ. Retired)
Permanently residing at -)
1602, B Wing, Runwal Elegate,)
Lokhandwala, Andheri (W),)
Mumbai- 400 053) ... Petitioner

V/s.

1. **State of Maharashtra**)
Through Versova Police Station, Mumbai)
2. **Ganesh Madhukar Sonawane**)
Through Versova Police Station, Mumbai) ... Respondent

WITH

CRIMINAL WRIT PETITION NO. 5309 OF 2024

Kapil Bhagwanprasad Anand)
Age – 70 Years, Occ. Retired)
Permanently residing at -)
1602, B Wing, Runwal Elegate,)
Lokhandwala, Andheri (W),)
Mumbai- 400 053) ... Petitioner

V/s.

1. **State of Maharashtra**)
Through Versova Police Station, Mumbai)
2. **Ganesh Madhukar Sonawane**)
Through Versova Police Station, Mumbai) ... Respondent

WITH
CRIMINAL WRIT PETITION NO. 5303 OF 2024

Advait Kapil Anand	)	
Age – 30 Years, Occ. Service	)	
Permanently residing at -	)	
1602, B Wing, Runwal Elegate,	)	
Lokhandwala, Andheri (W),	)	
Mumbai- 400 053	)	... Petitioner
	)	
V/s.	)	
	)	
1. State of Maharashtra	)	
Through Versova Police Station, Mumbai	)	
	)	
2. Ganesh Madhukar Sonawane	)	
Through Versova Police Station, Mumbai	)	... Respondents

Ms. Sana Raees Khan a/w. Ms. Neha Balani, Mr. Harsh Shah, Advocate
for the Petitioner

Ms. Gauri S. Rao, APP, for the Respondent – State

Mr. Sachin D. Ugale, PSI, Versova Police Station, Mumbai, present.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

RESERVED ON : 1ST DECEMBER 2025

PRONOUNCED ON : 17TH DECEMBER 2025

JUDGMENT (Per Sandesh D. Patil, J.) :-

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties the petition is taken up for final disposal. Learned APP waives notice on behalf of the respondent No.1–State.
3. By the present Writ Petition, the petitioner is approaching this Court seeking quashing of the FIR bearing CR No. 452 of 2025 registered with the Versova Police Station as well as the chargesheet filed in the said case.
4. The FIR is filed under the provisions of Sections 352, 351(2), 221, 132, 121 (1) of the Bharatiya Nyaya Sanhita, 2023. The petitioner in Writ Petition No.119 of 2025 and the petitioner in Writ Petition No.5309 of 2024 are wife and husband respectively. The petitioner in Writ Petition No. 5303 of 2024 is their son.

5. The respondent No.2 is a police officer working in the Traffic Department, who is the first informant. The case of respondent No.2 is that on 13th August 2024, when he was discharging his duties at Mhada Colony Junction, Four Bungalow, Andheri at about 15.00 hours, another police constable, Mr. Bharat Chaudhary came on the same junction to help him ease the traffic. At about 19.05 hours, when both were discharging their duty, he saw a car coming and noticed that the driver of the vehicle was wearing his seat belt, however, the person sitting besides him a lady, was not wearing the seat belt. He tried to stop the car, however the driver of the car showed him his finger and then stopped the car about 50 meters away. The complainant went towards the car along with the machine to levy 'E-Challan'. In this process, when he was clicking photo of the car, the lady sitting next to the driver abused him verbally. At that time, when the complainant was recording the said incident in his mobile, the said lady assaulted the complainant on his chest, so also slapped him on his cheek. At that time, another old person accompanying them started abusing the complainant. The driver of the car also threatened him of dire consequences. The entire incident was recorded by police constable, Mr. Bharat Chaudhary on his cell phone.

6. Since all the accused persons had prevented the complainant from discharging his official duty, the complainant came to the police station to lodge a complaint and accordingly the complaint was lodged under Sections 352, 351 (2), 221, 132 and 121(1) of Indian Penal Code.

7. During one of the hearing of the present Writ Petition, this Court (**Coram : A.S. Gadkari and Rajesh Patil, JJ.**) passed the following order on 25th July 2025 :-

“1) Perusal of charge-sheet indicates that Bharat Govinda Chaudhari, Police Constable, is an alleged eye-witness to the offence under Section 132 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as ‘BNS’ for short), wherein Shri Ganesh Madukar Sonawane alleges assault and criminal intimidations by Petitioner. Shri Bharat Chaudhari in his statement dated 16th August 2024 has categorically stated that he has recorded the incident in his mobile phone.

2) We therefore direct the Investigating Officer to produce the said video clipping before this Court on next occasion.

3) Stand over to 8th August 2025.”

8. Thereafter, this Court in its order dated 17th November 2025 observed that the learned APP has produced pendrive as directed by this Court vide order dated 25th July 2025; containing recording of the said incident. Accordingly we have perused the contents of the pendrive handed over to us in our chambers.

9. We have also perused the chargesheet annexed along with the petition. We have perused the statement of the first informant, the statement of Mr. Bharat Chaudhary, Police Constable, who was an eye witness to the entire incidence. His statement is in consonance with the statement of the first informant. He has clearly stated that the said accused Sadhana Anand has not only verbally abused the complainant, but also assaulted him on his chest and has slapped him. He further states that the other accused persons were also verbally abusing the complainant, a police officer in filthy language.

10. Statements of few other passer-by Mr. Mohan Khandare and Ms. Nirmala Shinde are recorded, who also state that one of the accused lady had assaulted the complainant on his chest, so also she had slapped the police officer, who was on duty.

11. Learned counsel Ms. Sana Khan contended that even on a plain reading of the FIR as well as chargesheet, no offence can be said to have been made out against the petitioners. She submitted that no such incident had taken place and that in fact, the complainant was not allowing the petitioners to leave, so also was not taking any action against the persons coming from the wrong side of the road on their scooter. Learned counsel for the petitioner states that as a matter of fact, it is the petitioners who had called for police help. The learned counsel appearing for the petitioner further submitted that the facts of the FIR are fabricated, concocted and without any basis and solely with an intention to falsely implicate the petitioners in the case and that the petitioners have been falsely roped in the matter. Learned counsel for the petitioners prayed that the proceeding against the petitioners be quashed. In support of her case, learned counsel for the Petitioners relied upon the following judgments :-

1. **Rishab Surendra Dara and Others V/s. State of Maharashtra and Anr. (2019) SCC Online Bom 13205**
2. **Aditya Anilkumar Thorat V/s. State of Maharashtra and Ors. (2022) SCC Online Bom 7056**
3. **M.S. Ahlawat V/s. State of Haryana and Anr. (2001) 1 SCC 278**

4. State of Haryana and Ors. V/s. Ch. Bhajanlal and Ors. (1992) SCC (Cri) 426
5. B.N. John V/s. State of UP and Anr. (Hon'ble Supreme Court Judgment) (2025) INSC 4
6. Amer Khan V/s. State of Maharashtra (2023) SCC Online Bom 818
7. Hushad Bacha V/s. Eric Vegas (2025) BHC – AS; 2625 - DB

12. She particularly relied upon the judgment in the matter of *Hushad Bacha V/s. Eric Vegas*, where proceeding/FIR was quashed against the petitioner therein. She stated that in that case also the accused therein, who was mother of the co-accused created a scene at the police station and is alleged to have touched the dress of the police constable, pursuant to which two buttons of shirt were broken. She says that the facts in that case are similar to the present case and this court be pleased to quash the FIR as well as the Chargesheet.

13. Learned APP appearing for the State submitted that offence is made out against the petitioners. She states that the police have carried out investigation and have filed chargesheet. She further states that the video recording also shows that the alleged offence had taken place. She

stated that the present case is not a fit case for quashing of the FIR and the Chargesheet. In the end, she submitted that the Petition be dismissed with costs.

14. We have heard the learned counsels appearing for the parties. With their able assistance, we have perused the entire chargesheet and the video which was recorded. The said video forms part of chargesheet and is produced in the pendrive.

15. On perusal of the said contents of the pendrive, it is clear that the petitioner in Writ Petition No.119 of 2025, her husband and her son were verbally abusing the complainant. We have seen in the video the petitioner in Writ Petition No. 5309 of 2024 abusing the complainant in utmost filthy language. The petitioner in Writ Petition No. 5303 of 2024 was also along with them. We have also seen that the petitioner in Writ Petition No. 119 of 2025 had not only verbally abused the complainant, a police officer in filthy language, but has also assaulted the complainant on his chest and slapped him on his cheek.

16. We have also perused the statement of the witnesses which are annexed to the chargesheet. All the witnesses are eye witnesses. They

have stated the manner in which the complainant was abused by the petitioners in utmost filthy language. They also stated that the complainant was assaulted by the petitioner in Writ Petition No.119 of 2025 on his chest and also slapped on his cheek. At this juncture, prima facie there is nothing to disbelieve the statements of the said witness, who are eye witnesses. One of the eye witness is a police constable, who was on duty along with the present complainant. Thus, it cannot be said that no offence is made out against the petitioners. The evidentiary value of the statements will be considered at the time of trial. At this stage, it cannot be said that no case is made out against the petitioners. This is a fit case, where the petitioners need to be put on for trial before the Trial Court.

17. We have gone through the judgments cited by the Petitioner before us. In the case of Rishabh Dara (supra), it was the case where the petitioner expressed his inclination to withdraw the complaint filed by him under Section 156 (3) of Cr.p.c. against the complainant. The complainant, therefore, stated that he has no objection to quash the FIR. In the case of *Aditya Thorat V/s. State of Maharashtra and Ors.* cited by the petitioner, it was the case where chargesheet was not filed. In the

case of *M.S. Ahlawat V/s. State of Haryana*, the facts of the case are entirely different and were in connection with the offence of perjury committed by the petitioner therein. The case of Hushad Bacha was one, where the complainant was assaulted in the police station by the mother of the accused No.1 therein. This is a case where the assault was on the complainant, who was a police officer, discharging his duties.

18. We are of the opinion that the complainant, a Police Officer was discharging his official duties. In the event, if we were to quash the present FIR despite the aforesaid material on record, it would certainly demoralise the police force. It would send a wrong message to the society and the police officers would be deterred from discharging their duties fearlessly. We are therefore not inclined to entertain the present writ petition.

19. None of the parameters laid down in the case of *(State of Haryana and Ors. V/s. Bhajanlal and Ors (1992) SCC (Cri.) 426)* are attracted in the present case. Resultantly we pass the following order :-

ORDER

- (i) Writ Petitions are dismissed.
- (ii) Rule stands discharged. There shall be no orders as to costs.

All the concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

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