

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1684 OF 2024**

Aniket Pravin Nitnaware.

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Ms.Shweta Wankhede, for Applicant.

Ms.Savita M.Yadav, A.P.P. for Respondent No.1-State.

Ms.Devyani Bhadang (Appointed Advocate) for Respondent No.2.

Ms.Kajal Pansare, PSI, attached to Azad Maidan Police Station.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.****DATE : 18th August, 2025.****P.C. :**

1) By this Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, the accused in CR No.0311 of 2024, dated 3rd August, 2024, registered with Azad Maidan Police Station, Mumbai, under Section 79 of the Bharatiya Nyaya Sanhita (BNS) 2023, is seeking quashing of the said crime.

2) Heard Ms.Wankhede, learned Advocate for Applicant, Ms.Yadav, learned APP for Respondent No.1-State and Ms.Bhadang, learned Advocate appointed to represent for Respondent No.2. Perused entire record.

3) It is the case of the Respondent No.2 that, she was working in ICU unit of Bombay Hospital, Mumbai as a Nurse. She resumed on her duty at about 8.00 a.m. on 30th August, 2024. At about 10.00 a.m. when she was

performing her duty, Applicant, a resident Doctor came at the said place. He was informed by Dr.Jhnavi that, a patient by name Smt.Agarwal has been admitted as indoor patient with the complaint of pain in chest. At about 5.00 p.m. the Applicant visited the said patient. At that time, the Respondent No.2 was entering data of the said patient in the computer. Applicant approached Respondent No.2 and demanded the said computer for perusing the information of the said patient. The Respondent No.2 replied that, after her work is over, she would give the computer to him. At that time, the Applicant angrily told Respondent No.2 'you yourself see the discharge of the patients I am going'. A bickering took place thereof between them.

3.1) It is alleged that, after some time the Applicant left the said place. In the fit of anger, he took the computer from the Respondent No.2 and deleted the work done by her and started observing the information of his patients. Thereafter, he looked at the Respondent No.2 and saw the nameplate affixed on the dress of her chest with his hand. When the Respondent No.2 tried to ward off the hand of the Applicant, the Applicant again touched it. Due to the said act, the Respondent No.2 felt insult to her modesty, amounting to intruding upon the privacy of a women. Thereafter Applicant went away. The victim informed the said fact to Dr.Sushant immediately.

In this brief premise present crime is lodged by the Respondent No.2.

4) Learned Advocate appearing for Respondent No.2 opposed the Application and submitted that, from the act alleged by the Respondent No.2 against the Applicant, the ingredients of Section 79 of the BNS are *prima-facie* made out and therefore the said crime may not be quashed. She however fairly pointed out the fact that, the Respondent No.2 is ready and willing to give her consent of quashing of the crime in-question as the Applicant had apologized for his act alleged to have been committed by him.

5) From perusal of record of investigation it appears that, there is no other witness to the said incident though it took place in the ICU of Bombay Hospital, Mumbai. No statement of Dr.Sushant is on record to corroborate the version of the Respondent No.2. A minute perusal of the F.I.R clearly indicates that, the Applicant had no intention to commit the act as alleged under Section 79 of the BNS. It is with a view to see the name of the Respondent No.2, the Applicant touched/held the nameplate of the Respondent No.2. The act of touching the name plate is alleged to have been repeated by the Applicant, after the Respondent No.2 firstly tried to ward off the hand of Petitioner. As noted earlier, it appears to us that, there was no intention at the behest of the Applicant to commit the act as contemplated under Section 79 of the BNS. As narrated in the F.I.R. itself, the Applicant in the fit anger tried to see the name of the Respondent No.2 and therefore he held the numberplate which was affixed on her dress/uniform near chest.

6) After perusing the entire record, we are of the considered view that, the Applicant did not commit any act as contemplated under Section 79 of the BNS. The continuation of investigation of present crime therefore would be sheer harassment to the Applicant and abuse of process and therefore it deserves to be quashed.

7) The Application is accordingly allowed in terms of prayer clause (a).

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)