



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO.5220 OF 2025**

Jyoti Ramesh Balani ... Petitioner  
versus  
The State of Maharashtra and Anr. ... Respondents

Mr. Aniket Vagal i/by Mr. Atharva Bhingardeve, for Petitioner.  
Mr. P.P.Malshe, APP for State.  
Ms. Nutan A. Patil, PSI, Kurla Police Station present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 10 OCTOBER 2025**

**P.C.**

1. Heard the learned Counsel for the parties.
2. By this Petition under Article 227 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioner assails the legality, propriety and correctness of an order dated 23 April 2025, whereby the learned Magistrate took cognizance of the offences punishable under Sections 79 and 356(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and directed issue of process against the Petitioner and also seeks to quash and set aside the prosecution arising out of Case No.PW/906/2025.
3. The gravamen of indictment against the Petitioner is that, during the period 9 February 2025 to 10 February 2025, the Petitioner had posted comments on 'Linkedin' to the effect that the hotel in question had hired a sexual predator to lead the said hotel and the said person had a history of

harassing the women at the work place and the biggest example was the first informant, whom the said person had sexually exploited. A senior officer at the workplace of the first informant brought the said post to the notice of the first informant. Other three to four co-employees had also seen the said post and informed the first informant about the defamatory post. The first informant, thus, approached the Police and lodged a report.

4. Mr. Vagal, learned Counsel for the Petitioner, would urge that the allegedly defamatory post was not directed against the first informant. The Petitioner had posted the comment in regard to the predatory acts of the another person, who had sexually exploited women, including the first informant. Therefore, no offence, as alleged, can be said to have been, *prima facie*, made out.

5. The submission does not merit countenance. By posting the comment which specifically named the first informant as the person who was sexually exploited by another person, the Petitioner had insulted the modesty of the first informant. The comment posted by the Petitioner was *per se* defamatory. Whatever be the reasons which impelled the Petitioner to make allegations of sexual exploitation against the first informant, the Petitioner had no justification for disclosing the name and identity of the first informant as the victim who was allegedly sexually exploited by the said person. Moreover, in the offending post the Petitioner has suggested that, despite alleged sexual

exploitation of the first informant, the latter has gone back to work with him and that was a 'sad attitude'. In this view of the matter, whether the Petitioner had no intention to insult the modesty of the first informant and defame her, would be the matters for evidence and trial. Hence, the Petition does not deserve to be entertained.

6. The Writ Petition stands dismissed.

**( N.J.JAMADAR, J. )**