

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.466 OF 2025

Kedar Shankar Shirali

.....Applicant

Versus

The State of Maharashtra

and another

.....Respondents

Mr. Amit Ghag, Advocate for the Applicant.

Ms. M.H. Mhatre, APP for the Respondent No.1-State.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 28th APRIL, 2025

P.C. :

1. This is an Application for quashing of the FIR registered vide C.R. No.33/2025 registered with R.A. Kidwai Marg police station, Mumbai for the offences punishable under Sections 354, 376, 377, 420, 504, 506(2), 509 of IPC.

2. We are informed by the learned APP that the charge-sheet is filed in this case. Therefore, learned counsel for the Applicant is granted leave to amend to annex a copy of the charge-sheet and to make corresponding amendments in the Application including the prayer clause. Amendment shall be

carried out within a period of four weeks from today.

3. We have heard learned counsel for the Applicant and the learned APP for consideration of ad-interim relief.

4. Learned counsel for the Applicant invited our attention to the FIR. In that FIR, the Respondent No.2 has mentioned about the events which led to filing of the FIR. The physical relations started in May, 2022 and continued upto April,2023. The FIR itself mentions that they had their physical relations in a hotel, at her flat at Panvel and even in the house of the Applicant; though she has stated that the physical relations were kept against her wish. The FIR itself mentions that it was going on for about a year at various places.

5. The first informant had previously approached the police with similar allegations but at that time the police had not registered an FIR. The first informant had then approached the Magistrate's Court for investigation under Section 156(3) of Cr.PC.. The police had submitted a report

dated 10.12.2024 in which they had noted their conclusion that the relationship was consensual and there was no incriminating material against the Applicant. In spite of this report, the learned Magistrate directed investigation under Section 156(3) of Cr.P.C.. Learned counsel for the Applicant heavily relied on these aspects.

6. Considering these submissions, it is necessary to hear the other side. Learned counsel for the Applicant has made out a case for grant of ad-interim relief.

7. Hence, the following order :

:: O R D E R ::

- i. Issue notice to the Respondent No.2, returnable on 15.7.2025.
- ii. Till then the trial Court shall not proceed against the Applicant.
- iii. Stand over to 15.7.2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)