

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.566 OF 2025**

Satyam Shivam Arunkumar Jha

Aged: 27 years, Occ: Service

Presently residing at:

D-1404, V. J. Yashwin, Hinjewadi II,

Pune-411 057

Permanent residence address:

S/o Arun Kumar Jha

Village Khajuri, District Madhubani,

Bihar-847408

... Applicant

V/s.

1.The State of Maharashtra

(At the instance of Chaturshringi Police

Station, C.R. No.786 of 2024)

2. XYZ

Chaturshringi Police Station,

Ganesh Khind Road, in front of Raj Bhavan,

Pune 411007.

... Respondents

Mr. Gaurav Shenoy for Applicant.

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

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 25th June 2025.

JUDGMENT: (Per A. S. Gadkari, J.)

1) By the present Application, under Section 482 of Cr.P.C., the Applicant is seeking quashing of C.R. No.786 of 2024 dated 4th October 2024 registered with Chaturshringi Police Station, Pune, for the offences punishable under Sections 376, 376(2)(n), 377, 354, 417, 504 and 506 of the Indian Penal Code and the chargesheet filed therein after conclusion of investigation.

2) Heard Mr. Shenoy, learned Advocate for the Applicant and Smt. Yadav, learned APP for Respondent No.1-State. Perused chargesheet.

3) Respondent No.2, the victim, has filed aforementioned crime against Pratik (accused No.1) and Applicant (accused No.2). The allegations against the applicant are, as contemplated under Section 354 of the Indian Penal Code.

4) It is a prosecution case that Pratik and Respondent No.2 were in relationship. Pratik gave promise to marry Respondent No.2 and established physical relations, despite her protest. The Respondent No.2, Pratik and Petitioner subsequently started residing in a premises in a building situated at Pashan, Pune. Applicant being friend of Pratik also used to stay along with Pratik and Respondent No.2 in the said premises. It is categorically

alleged by the Respondent No.2 that in the month of July 2022, the date she did not remember, when Respondent No.2 was alone in the kitchen, the Applicant entered therein touched her inappropriately and demanded sexual favours from her. It is therefore alleged that an offence under Section 354 of the Indian Penal Code is committed by the Applicant.

5) Learned Advocate for the Applicant submitted that, the Respondent No.2 has not given specific date and time of the month of July 2024 when the alleged offence was committed by the Applicant. He submitted that, the said offence was registered out of vengeance as the Respondent No.2 was harbouring a belief that, it is due to the Applicant her relations with Pratik got soured. He submitted that though the alleged offence was committed in the month of July, the present crime is registered after a lapse of about 3 months. He submitted that, the applicant has been falsely implicated for the said reason and therefore crime against him may be quashed.

6) The fact regarding allegations attracting Section 354 against the applicant as noted in para No.5 above is deciphered from the F. I. R. itself. *Prima facie* we find that there is no reason to disbelieve the statement of prosecutrix.

6.1) The Supreme Court in the case of *Bharwada Bhoginbhai Hirjibhai vs State of Gujarat reported in AIR 1983 Supreme Court 753* has held that, in the Indian setting, refusal to act on the testimony of a victim

of sexual assault in the absence of corroboration as a rule, is adding insult to injury. Viewing the evidence of the girl or the women who complains of rape or sexual molestation, with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion, is to justify the charge of male chauvinism in a male dominated society. It is further held that, a girl or a woman in the tradition bound non-permissive society of India would be extremely reluctant even to admit that any incident which is likely to reflect on her chastity had ever occurred. Over much importance cannot be given to minor discrepancies.

6.2) In the case of *State of Himachal Pradesh vs Shree Kant Shekari reported in AIR 2004 SC 4404 : 2004 (8) SCC 153*, the Supreme Court has held that, mere delay in lodging FIR does not render prosecution version redundant.

6.3) In the case of *State of Punjab vs Ramdev Singh reported in 2004 (1) SCC 421*, the Hon'ble Supreme Court has held that, the Courts have to display a greater sense of responsibility and to be more sensitive while dealing with charges of sexual assault on women, particularly of tender age and children. It is further held that the said crime is violative of victim's basic human right under Article 21 of the Constitution of India and therefore Court should deal with cases of sexual assault sternly.

7) After applying the aforesaid ratios enunciated by the Hon'ble Supreme Court, to the present case, we are of the considered view that a

strong prima facie case against the Applicant is made out and therefore it is not a fit case for quashing of the crime in question.

7.1) Application is accordingly dismissed.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)