



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 1035 OF 2025

(Shiraz Ahmad Khan @ Shiraz Riyaz Khan Vs. State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.B. Gandhi, Counsel for the applicant.
Ms S.N. Thakur, A.P.P. for non-applicant no.1.

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CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
AUGUST 13, 2025

By present application, the applicant is seeking to quash the First Information Report lodged by non-applicant no.2 vide Crime No. 307/2025 for the offences punishable under Sections 115(2), 352 and 74 of the Bharatiya Nyaya Sanhita, 2023 (for short "B.N.S.").

2] Section 115 of the B.N.S. provides punishment for voluntarily causing hurt. Section 352 provides punishment for the offence, where someone intentionally insults with intent to provoke breach of peace. Section 74 provides punishment for assault or use of criminal force to a women with intent to outrage her modesty.

3] The First Information Report, as is lodged, refers to an incident that has occurred on 13/4/2024. The applicant has allegedly assaulted non-applicant no.2 on the count of depositing garbage. The applicant has allegedly abused non-applicant no.2, and thereafter, pushed her against the wall, as a result she sustained injury on head and scratches on right hand. She made an

attempt to resist. At that time, the applicant caught hold tightly the sleeves of her left hand and pulled it. Because of such act, the left sleeve of her Kurti torn down. Non-applicant no.2 then ran away and lodged report.

4] The argument is that there is no intention of outraging non-applicant no.2's modesty.

5] It will be appropriate, at this stage, to understand as to when will the offence punishable under Section 74 of the B.N.S. be made out. Section 74 reads as under :

“74. Assault or use of criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.”

6] As could be seen, where someone assaults or uses criminal force to any women intending to outrage or knowing it to be likely that he will thereby outrage her modesty, can be said to have committed the offence.

7] The act alleged against the applicant can be fit, at least, in the later part of the provision, which provides that the act done knowing it to be likely that such act will outrage her modesty may be attracted. The applicant, while pulling her sleeves, must have knowledge of it being torn up, which naturally may result in outraging her modesty.

8] However, since the investigation is at initial stage, we refrain from drawing any final inference on the

act done by the applicant. It will be in the investigation the other details will be revealed, and then only, can it be decided whether chargesheet should be filed or not under Section 74 of the B.N.S., amongst other offences. At this stage, one cannot jump to the conclusion on the basis of the contents of the First Information Report, which, even otherwise, is not an encyclopedia that no offence is made out under Section 74 of the B.N.S.

9] There is, thus, no merit in the application. The same is accordingly rejected.

(JUDGE)

(JUDGE)

Sumit