

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

CRIMINAL WRIT PETITION NO. 170 OF 2026

Vishal Prakash Jadhav & Anr.Petitioners
VERSUS
State of Maharashtra & Anr.Respondents

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Mr. Kedar Pralhad Lad a/w Adv. Indryani Patil for Petitioners.
Mr. Avinash A. Naik, APP for Respondent No. 1-State.

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**CORAM: SANDESH D. PATIL, J.
DATED: 12th JUNE 2026**

P. C. :

1. Heard learned Counsel appearing for the Petitioners and learned APP for the Respondent–State.
2. The allegation against the Petitioner is that, on 10th September 2024, he had visited the residence of the complainant. The Petitioner is an employee of the finance company from which the complainant and her husband had obtained a loan.
3. It is alleged in the complaint that officers of the finance company visited the complainant's house and abused her in filthy language. It is further alleged that the Petitioner committed acts constituting an offence under Section 79 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

4. Learned Counsel for the Petitioner submitted that the Petitioner was not present at the place of the incident. It was further submitted that the Petitioner's company had, in fact, initiated execution proceedings for enforcement of an arbitral award. Learned Counsel pointed out that, on 23rd August 2024, an application under Order XXI Rule 54 of the Code of Civil Procedure was filed for execution of the award. Reliance was placed on the judgment of the Division Bench of this Court in *ICICI Bank Ltd. Vs. The State of Maharashtra & Anr*¹. It was contended that the Court had cautioned against entertaining complaints filed by borrowers against financial institutions in such circumstances.

5. Learned APP, on the other hand, submitted that the charge-sheet has already been filed. He submitted that several witnesses have been examined and their statements form part of the charge-sheet. He invited my attention to the statements recorded during the course of investigation.

6. I have perused the Petition and copy of the charge-sheet annexed to the Petition.

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7. The case of the Petitioner is that the present complaint has been lodged only to obstruct and undermine the execution proceedings initiated against the complainant. It is contended that the complainant has falsely implicated the Petitioner, although he was not present at the spot.

8. I have perused the charge-sheet, I find that statements of several witnesses have been recorded, all of whom have narrated about the commission of the offence under Section 79 of the BNS. The complainant has specifically named the present Petitioner and alleged that he made sexually suggestive gestures towards her. Since the charge-sheet has already been filed, the question as to whether the Petitioner was present at the spot or not cannot be adjudicated at this stage. The same would require a full-fledged trial. The reliance placed by the Petitioner on the judgment of the Division Bench in *ICICI Bank Ltd. (supra)* does not assist him, as that case involved a substantial delay in lodging the FIR.

9. In the present case, the investigating agency has filed the charge-sheet and there is no delay in lodging the FIR. The incident in question allegedly took place on 10th September 2024.

The complainant submitted her complaint on the same day, i.e., 10th September 2024, and the police registered the FIR on 20th September 2024 on the basis of the said complaint.

10. In these circumstances, disputed questions of fact arise for consideration. The contention of the Petitioner that he was not present at the spot can only be adjudicated upon during a full-fledged trial. At this stage, no case is made out for interference.

11. Accordingly, I do not find any merit in the Petition. The Petition is, therefore, dismissed.

(SANDESH D. PATIL, J.)

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