Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1473 OF 2026

Arjun Navneet Sharma .. Applicant

Versus

State of Maharashtra and Anr. .. Respondents

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- Mr. Prasanna Bhangale a/w. Mr. Amar Singh Thakur and Pratik Deore Advocates for Applicant.
- Mr. Ashok Mundargi, Senior Advocate a/w. Mr. Jayant Bardeskar, Mr. Ashish Pyasi and Mr. Raj Kapadia i/b. Mr. Ashish Pyasi, Advocates for Respondent No.2
- Ms. Rajeshree Newton, APP for Respondent No.1– State.
- API - Mr. Ranjit Chavan, Juhu Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 09, 2026.

P.C.:

1. Heard Mr. Bhangale, learned Advocate for Applicants, Mr. Mundargi, learned Senior Advocate for Respondent No.2 and Ms. Newton, learned APP for Respondent No.1– State.

2. Present Application is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of First Information Report No.0804 of 2026 registered at Juhu Police Station under the provisions of Sections 308(3), 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023. Section 308(3) essentially relates to offence of extortion and fear of putting any person of injury by virtue of threat.

Date of the incident is what transpired on 25.03.2026 and thereafter Complaints registered by Respondent No.2 on 05.04.2026 and 06.04.2026. Applicant is a person, rather a young offender, residing in Meerut, Uttar Pradesh. There is a precursor incident which happened on the same day i.e. 25.03.2026 with regard to which Complaint was lodged by Respondent No.2 – Complainant at Oshiwara Police Station on 05.04.2026 bearing NCR No.0978 of 2026. With regard to said Complaint, investigation commenced and Applicant came to Mumbai and recorded his statement.

3. Mr. Bhangale, learned Advocate for Applicant has taken me through the gamut of facts in the present case *qua* both Complaints to contend that in view of first Complaint bearing NCR No. 0978 of 2026 dated 05.04.2026, since Applicant cooperated with investigation, lodging of second Complaint on 06.04.2026 with regard to the same cause of action and on the same set of facts is an abuse of the due process of law and hence subsequent FIR being CR No. 0804 of 2026 deserves to be quashed and set aside. The second contention is that since first Complaint was investigated and Applicant recorded his statement, the impugned FIR *qua* second Complaint for the same cause of action need not be pursued. The third contention is that since second complaint is registered at a separate Police Station without disclosure of first Complaint, it is nothing but a continuation of the offence under first Complaint with regard to same cause of action and

therefore second Complaint deserves to be quashed. The fourth ground which is vehemently argued is that entire prosecution case is based upon a sole incident which occurred on 26.03.2026 which has been investigated and the FIR filed subsequently is bereft of any specific particulars of extortion and in view of cooperation of Applicant, second complaint is an abuse of the due process of law and in view of the decision of the Supreme Court in the case of ***State of Haryana vs Bhajan Lal*** [1]and the guidelines stated therein this Court be pleased to allow the Application.

4. ***PER CONTRA*** Mr. Mundargi, learned Senior Advocate appearing on behalf of Respondent No.2 - Complainant would draw my attention to the Affidavit - in - Reply dated 28.08.2026 of Complainant, copy of which is appended at page 73 to the Application and contend that the manner in which the incident has occurred repeatedly on 25.03.2026 compelled Respondent No.2 to approach Oshiwara Police Station and registered NCR No. 0978 with regard to a singular incident of extortion from Applicant.

5. He would submit that Respondent No.2 is a businessman and on 25.03.2026, he received repeated WhatsApp calls throughout the day none of which he answered and at about 4:16 pm he received a voice note with a voice message where the caller identified himself as a Police Officer from Thapa Nagar Police Station but then again after 2

1 (1992) Supp (1) SCC 335

hours he received one more voice note message which was a threat and demand for money from the Applicant. He would submit that NCR No. 978 of 2026 related to unidentified WhatsApp calls received repeatedly and NCR No.0804 pertains to specific voice messages regarding threat, abuse, dire consequences and extortion received by Respondent No.2 on the same day in the evening, therefore they are two distinct offences hence the Application be rejected.

6. I have perused the material placed on record and considered the submissions made by the respective parties.

7. *Prima facie* it is seen that WhatsApp calls were received from the unknown number traced to Applicant and thereafter first FIR was lodged and investigated. However later voice messages were also received on the same date for extortion. Applicant has stated that in the year 1992, grandfather of Applicant through his firm called Devta Finance Chit Fund advanced Rs.50,000/- to Respondent No.2 – Complainant on 2 occasions and said information was conveyed to Applicant's father who conveyed it further to Applicant and therefore to seek return of those monies, Applicant made WhatsApp calls followed by WhatsApp voice messages to Respondent No.2 - Complainant in the year 2026. Such a story weaved by Applicant is *prima facie* unbelievable on the face of record since it is apparent and clear that Applicant now wants to wriggle out of a situation where a

cognizable offence is now registered against him for extortion.

8. Next it is seen that defense of Applicant regarding seeking return of said amount in the manner in which it is done clearly shows his intention to cover up the alleged extortion demand made to Respondent No.2 – Complainant. It is the specific and categoric case of Respondent No. 2 that the 2 voice messages received by him are clear threats of extortion made from the mobile phone belonging to Applicant. Investigating Officer and prosecution therefore registered CR No.0804 of 2026 on 13.06.2026 after due investigation in that direction and have correctly applied provisions of Section 308(3) of BNS, 2023, *inter alia*, pertaining to extortion and putting Respondent No.2 in fear of injury which is with regard to the subsequent event viz; the two voice notes received by Complainant on the same day from the Applicant.

9. Another impelling circumstance which persuades me to reject present Application is that the voice notes clearly identify Applicant impersonating as a Police Officer from Thapa Nagar Police Station in Meerut. On investigation by the prosecution, it is learnt that no such officer from the said Police Station has ever sent the voice messages for extortion. The voice notes are not part of first Complaint investigated by prosecution, which pertained only to invocation of Section 351(2) and Section 352 of BNS, 2023. Once that is the

position, it is clear from the record that grounds argued by Applicant for rejection of second FIR being CR No.0804 of 2026, which invoke the provisions of Section 308(3) of BNS, are clearly unsustainable in law and therefore deserve to be dismissed.

10. In view of the aforesaid observations and findings, I am not inclined to accept the submissions advanced by Applicant for allowing quashing of CR No.0804 of 2026, since in my opinion the guidelines referred to and relied upon by Applicant in the case of ***State of Haryana Vs. Bhajan Lal*** *(Supra)* do not apply to the facts and circumstances of the present case of Applicant. In that view of the matter, Criminal Application of Applicant stands dismissed.

11. Criminal Application is dismissed and disposed of.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
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