



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 550 OF 2024

Waseem Ahmad Faheem
Ahmad,
Age 48 years, Occ. Service,
R/o: Pipple Pura, Near Jam Masjid,
Tah: Chandur Bazar, Dist: Amravati. **APPLICANT**

Versus

1. State of Maharashtra,
Thr. P.S.O of P.S.O, Chandur Bazar.
2. Aashu Ahmad Patel,
Age 50 years, Occ. Service,
R/o: Belora Road, Gajanan Nagar
Chandur Bazar, Tq: Chandur Bazar,
Dist. Amravati (Rural) **NON-APPLICANTS**

Mr. Saumitra Kanetkar, Advocate h/f Mr. M.A. Salim, Advocate
for the Applicant.

Ms. R.V. Sharma, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23rd MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicant and learned APP for the Non-applicant No.1/State.

3. None appears for the Non-applicant No.2 despite she has engaged the Counsel.

4. The present Application is preferred by the Applicant under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report in connection with Crime No.52/2021 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 354, 294, 506 of the Indian Penal Code (for short "IPC") and consequent proceeding arising out of the same bearing Charge-sheet No.54/2024.

5. The Applicant is the Principal of Urdu School, Chandur Bazar as well as Administrative officer of Municipal Council, Chandur Bazar. The Crime is registered against the present Applicant on the basis of the report lodged by the Non-applicant No.2. The Non-applicant No.2 is Clerk in Education Department, Municipal Council, Chandur Bazar. She

alleged that, the Applicant by taking personal benefit used to get vehicle allowance and used to pass the bill of his relatives. As the Informant denied to help the Applicant, therefore the Applicant used filthy language against her and threatened her that her act will affect her service record as well as her service book. Therefore, she approached to her superior Officer and her superior Officer asked her to settle the dispute amicably. Therefore, she met the present Applicant and the present Applicant has demanded from her the sexual favours. On the basis of the said report Police have registered the crime against the present Applicant.

6. After registration of the crime, the Investigating Officer has recorded the relevant statements of the witnesses including her superior Officers and after completion of the investigation submitted charge-sheet against the present Applicant.

7. Heard learned Counsel for the Applicant, who submitted that, there is no specific date and the actual act of the present Applicant narrated by the Informant. The FIR came to be lodged belatedly and no explanation is given for the same.

He also invited my attention towards the statements of witnesses who are superior officers which also not discloses that at any point of time the Informant has made any complaint against the present Applicant regarding the sexual favours from her. Thus, he submitted that, as the dispute arose between the present Applicant and the Informant as her transfer was not made as per her request, and therefore, this false FIR came to be lodged. He submitted that, on the basis of vague and omnibus allegations, the Applicant is implicated in the alleged offence. In view of that, the Application deserves to be allowed.

8. *Per contra*, learned APP strongly opposed the said contention and submitted that the statements of the witnesses disclose that she has made complaint regarding the harassment at the hands of the present Applicant, and therefore, the Application deserves to be rejected.

9. After hearing both the sides and on perusal of the entire investigation papers it reveals that, the present Applicant was working as Principal in Urdu School Chandur Bazar as well as Administrative Officer of Municipal Council, Chandur Bazar. As per the allegations, the Non-applicant No.2 was working as a

Clerk and she was insisting for her transfer to the Education Department, which could not be considered and thereafter this FIR came to be lodged. Admittedly, the entire FIR nowhere discloses the exact date when the alleged incident has taken place even nor the exact act which the present Applicant has committed. She has only alleged that, the present Applicant has demanded the sexual favours from her and she has disclosed the said incident to her superiors but the statement of her superiors especially Sudhakar Laxmanrao Panzade and Triveni Shrawanji Amzhare nowhere supports the said contentions. It only shows that, she has only disclosed to them that the present Applicant is troubling her. Except that allegation the statements of the superior officers nowhere disclose that she has made a complaint regarding the sexual harassment at the hands of the present Applicant.

10. Thus, it is apparent that, as the present Applicant has not considered her transfer request, and therefore, this FIR came to be lodged on the basis of omnibus and vague allegations.

11. To attract the offence punishable under Section 354 of IPC, the sexual intent requires to be established by the prosecution, which is absent in the present case. The Informant has also not narrated the exact act or use of criminal force on her to attract the offence punishable under Section 354 or 354A of IPC.

12. To attract Section 354A of IPC, physical contact and advances involving unwelcome and explicit sexual overtures or a demand or request for sexual favours is required to be established. Except the vague allegations there is nothing on record to attract the offence punishable under Section 354 of IPC.

13. By applying the parameters laid down by the Hon'ble Apex Court in the case of Hon'ble Apex Court in the case of **State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604**, while considering the Application under Section 482 of Cr.P.C., which reads as under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie

constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

14. By applying the above parameters to the facts of the present case, admittedly, no *prima facie* case is made out against

the present Applicant. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
- ii. The First Information Report in connection with Crime No. 52/2021 registered with Police Station Chandur Bazar, District Amravati for the offence punishable under Sections 354, 294, 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.54/2024, are hereby quashed and set aside to the extent of the present Applicant.

15. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)