



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

CRIMINAL APPLICATION (APL) NO. 1624 OF 2024

APPLICANT :- Pooja d/o Bharat Jadhav,
(Accused No.3) Aged about 24 years, Occu: Student,
R/o Behind Dr. Saraf Hospital,
Khadakpurna Ward No.21, Chikhli,
Dist. Buldhana.

..VERSUS..

NON- :- 1) The State of Maharashtra, through its
APPLICANTS Police Station Officer, Police Station
Chikhli, Distt. Buldhana.
2) Suvarna d/o Sukhdeo Nemane,
Aged about 23 years, Occu: Student,
R/o Village Shelodi, Tq. Chikhli,
Distt. Buldhana.

Mr. Tejas S. Deshpande, counsel for applicant.
Ms D.I. Charlewar, APP for non-applicant/State
Mr N.B. Kalwaghe, counsel for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 28/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. Tejas S. Deshpande, for the applicant, Ms D.I. Charlewar, learned APP for non-applicant/State and Mr. N.B. Kalwaghe, learned counsel for non-applicant No.2, the application is

taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking quashment of proceedings arising out of First Information Report No. 233 of 2024, registered for the offence punishable under Sections 294, 509, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. It is the case of the prosecution that on 02/02/2024, at about 12.00 p.m. when the informant came to the Laboratory, the accused namely Samadhan Pawar, Shraddha Pawar, and present applicant Pooja Jadhav, and Rajesh Rajput were present there. At that time, Shraddha Pawar asked the informant as to why she had shared her photograph on Whatsapp and abused the informant in filthy language. When the informant denied sending of such photographs, Shraddha Pawar abused her, caught hold of her hair, and assaulted her. At that time, Samadhan Pawar also assaulted the informant by fist blows. It is alleged that, accused No.4 assaulted the informant, and the complainant has taken the photograph she should not be permitted to leave the room. As such, on these allegations, the offence came to be registered against the present applicant.

4. It is clear from the averments of the complaint itself that the only allegation against the present applicant is that she stated that the informant had taken the photograph and she should not be permitted to leave the room. Therefore, in my opinion, the offence under Sections 294 and 323 is not attracted in the matter.

5. The learned counsel for respondent No.2 has stated that the offence under Sections 506 and 509 of the Indian Penal Code are made out against the applicant, and therefore, the matter needs to be

tried to consider whether the said offences are established or not in the matter.

6. Perusal of definition of criminal intimidation would mean that there must be an act of threatening to another person, of causing an injury to the person, reputation or property of the person threatened and threat must be with the intent to cause alarm to person. As such, it is the intention of the applicant has to be considered in deciding as to whether what she has stated comes within the meaning of “Criminal Intimidation.”

7. In the facts and circumstances of the present case, in my opinion, it is not the intention of the applicant to criminally intimidate the present respondent No.2. All the incident was taken place in a spur of moment on the issue of sending of a photograph on WhatsApp. Therefore, it cannot be said that there was any intention of the applicant in the matter to cause any injury to the reputation of the respondent No.2. Hence, no offence is made out under Sections 506 and 509 of the Indian Penal Code, 1860 in the matter. For the aforesaid reason, continuation of the criminal proceedings against the present applicant is nothing but abuse of process of law. Hence, interference of this Court is necessary. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The Regular Criminal Case No. 244 of 2024, pending on the file of Judicial Magistrate First Class, Chikhali, arising out of Charge Sheet No. 228 of 2024, for the

offence punishable under Sections 294, 509, 323, 504 and 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside against the applicant only.

c] All pending applications stands disposed of.

8. Rule is made absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)