



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

CRIMINAL APPLICATION (APL) NO. 1389 OF 2025

Mohammad Atiqur Rehman S/o.
Mohammad Iqbal,
Aged about 52 years, Occ.- Scientist,
R/o. 18, Kenil Worth, 49-53,
Gopalrao Deshmukh Marg,
Cumballa Hill, Mumbai.

... **APPLICANT**

...VERSUS...

1. State of Maharashtra,
Through P. S. O., Shivajinagar,
Khamgaon, Dist. Buldhana.
2. Humaira Sadiya D/o. Nasir Khan,
Aged about - 27 years, Occ. - Service,
R/o. Duplex No.8, Ahbab Colony,
Ganga Nagar – 2, Behind Bilal Masjid,
Akola, Tq. & Dist. Akola.
(Complainant).

...**NON-APPLICANTS**

Mr. R. J. Mirza, Advocate for Applicant.
Mr. K. R. Lule, A.P.P. for Non-applicant/State.
Mr. U. J. Deshpande, Advocate for Non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.
JUDGMENT RESERVED ON: 06.05.2026
JUDGMENT PRONOUNCED ON : 09.06.2026

JUDGMENT: -

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of
the learned Counsel appearing for the parties.

3. The applicant has filed this application for quashing the Charge-sheet arising out of the First Information Report (FIR) vide Crime No.234/2025 registered for the offences punishable under Sections 74, 75(1), 75(2) and later on added Sections 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as, 'BNS').

4. It is the case of the prosecution that the Victim, who is the teacher in Creator International School, Khamgaon has lodged the complaint on 31.07.2025 that she is residing along with her relatives in Akola and working as a teacher at Creator International School, Khamgaon since last one year and she is teaching Physics and Mathematics. She used to attend her duty daily from Akola. The applicant, who is the President of the said School knows her since one year. She has made allegations that, since last two months, the President of society tried to have close intimacy with the complainant and on 26.07.2025 at around 8.00 a.m. when she was present in the school and 3rd period of the school is going on, at that time, Peon namely Seema informed the complainant that President of the organization called her at his office, at around 9.35 a.m.. The complainant visited his office, at that time the President told the complainant that she should not teach the students by sitting on the chair and she should teach the students standing in the class. At that time, the complainant informed the

applicant that she has suffered cat bite on her leg, therefore, she was teaching by sitting on chair to the students. Consequently the President of the organization started scolding the complainant and also stated that she is not satisfying his desire since last two months and came near to her and frisk his hand on her back. The complainant objected to the said illegal act. Consequently the applicant abused her in filthy language and also threatened about destroying her and also extended threatening and also stated that if she makes police complaint against him, he will withhold her documents and defame her. Thereafter, the complainant came out of his office and went away to her house and informed about the incident to her brother. As there was apprehension to the complainant about life threat, she immediately came to the Police Station and lodged report. On this complaint, the FIR came to be registered against the present applicant.

5. Learned Counsel for the applicant has stated that the FIR is registered after the non-applicant No.2 was given an understanding to improve her teaching methods and discipline and, thereafter, some subsequent developments including emails exchanged between the non Applicant No.2 and the Vice Principal of the school had developed apprehensions in the mind of the Non Applicant No.2 that she would be discontinued from the employment in the school. As per emails, non-

applicant No.2 repeatedly alleged that the applicant was strict and loud with her while reprimanding her for her indisciplined and lackadaisical approach. It was never her story in any email that the applicant had made any sexual advances much less any conduct attributed to him which was remotely related to sexual nature. As per said emails, she was eager to join her duties at the school after the alleged incident of scolding and for which she had repeatedly requested the Vice Principal to allow her to resume her duties. The apprehension about losing employment and vengeance seem to be the primary intentions behind lodging the false FIR and these gets substantiated from the contents of the above mails, CCTV footages and the extraordinary delay of 6 days. The above said emails exchanged between the period 26.07.2025 and 31.07.2025.

6. She has given the reason for delay in lodging FIR that she was suffering from cat bite. However, she had attended the school during the interregnum, therefore, it is apparent that the story in the FIR is after thought and false. Though the CCTV footages and emails were given to the Investigating Officer, he has not included it in the charge-sheet. As prima facie, the case is made out to set aside the FIR and Charge-sheet registered against this applicant, prayed to allow the application.

7. Learned A.P.P. opposed the application stating that, the

applicant has relied on the emails, which is not the part of the Charge-sheet. It is the discretion of the Investigating Officer to decide which documents he has to include in the Charge-sheet. From the statement of the witnesses, there is sufficient material to show that, the incident took place on that day and she has lodged the complaint making serious allegations against the applicant, who is the President of the said Institution. The emails will require to be proved during the trial in evidence. Hence prayed to reject the application.

8. Heard the learned Counsel for the applicant and the learned A.P.P for the State.

9. Admittedly, the alleged incident took place on 26.07.2025 in the morning at 9.35 a.m. and she has lodged the complaint on 31.07.2025. There is delay near about 6 days in lodging the FIR. She has given the reason for delay in lodging the FIR that, because of cat bite, doctor advised her to take rest and, therefore, there is delay in lodging the FIR.

10. On perusal of the FIR, it appears that, she has mentioned the reason for teaching by sitting on chair that she had cat bite. The applicant reprimanding her for her indisciplined behaviour and, thereafter, there was exchange of emails on the official address. She mentioned about the email dated 26.07.2025 that the Vice Principal

asked her why she left the school without informing him and she has broken the rules of school. In her statement under Section 183(5) of the BNSS, she has mentioned that she informed about the incident to the Vice Principal through email. She has mentioned in her statement before the Magistrate that, her mail was blocked by Vice Principal and he had not replied to her on whatsapp message and phone call. Though the learned A.P.P. has objected to consider the emails which are filed on record by the applicant, which is not the part of the charge-sheet and he has to prove it during the trial. The emails are since the date of incident till lodging of FIR, as she has mentioned it and the applicant has given said print outs of the mail, it was not considered by the Investigating Officer in Charge-sheet and, therefore, the applicant has filed it along with this application.

11. To see whether there is any material against the applicant, the Hon'ble Apex Court in Criminal Appeal No.187/2020 [Nitin Ahluwalia Vs. State of Punjab & Anr.] has observed as under :

“While it is true that elaborate defences and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced. What renders a judicial mind distinct is its application to the given facts in accordance with law. Therefore, the Court ought to have appreciated, at least to some extent, the background in which the respondent filed the subject FIR”

12. The emails which are not considered by the Investigating Officer is required to be considered as the complainant has made reference in her statement. On perusal of the email, it appears that she has not mentioned about the incident occurred on 26.07.2025. She has replied the show-cause notice issued to her about her behaviour in the school. She has mentioned about her qualification in her official email. On 29.07.2025, she sent the mail and she has mentioned that, the applicant reprimanded her in a loud voice. The mail issued on 01.08.2025 is about to join the school. As per the emails, she has not mentioned anything about the incident, which were issued after the incident. She has mentioned about it in her statement under Section 183(5) of the BNSS.

13. In this case, after reprimanding after six days, she has lodged the complaint. On 26.07.2025, the incident took place. From 26.07.2025 to 31.07.2025, no report was lodged. On 30.07.2025, the brother of the non-applicant No.2 entered the school and created a scene. When he was drove out from the school, on 31.07.2025, she has lodged the complaint against this applicant making the allegations. The issuance of email about her behaviour and from that day, she remained absent, is the background in which the respondent filed the FIR. The applicant has also relied on the judgment of the Hon'ble Apex Court in the case of

Surendra Khawse Vs. State of Madhya Pradesh and Anr. [Criminal Appeal arising out of Special Leave Petition (Crl.) No.3361 of 2025], wherein this issue about delay in FIR is considered.

14. The reason given by the Non-applicant No.2 for delay in FIR is cat bite. As per the medical report, on 23.07.2025, there was bite and she was attending the school during that period. Therefore, this cannot be the reason for delay in FIR. Only after the incident of driving out the brother from the school, who came there and created a scene in loud voice, the complaint is lodged. The Investigating Officer has not recorded the statement of the coordinator. According to the Non-applicant No.2, she was present there. On perusal of the statement of the sweeper, who came there to call her, only shows that, she gave the message that, President has called her and she has stated that, she entered the applicant's chamber and, thereafter, she came out, at that time, she was crying. As per the story of the applicant, he reprimanded her and, thereafter, she left the school. In the context of the delay in FIR and the emails which are filed on record by the applicant, no *prima facie* case is made out against the applicant. Hence, the following order :

- i] The application is allowed.
- ii] The Charge-sheet arising out of the First Information Report vide Crime No.234/2025 registered for the

offences punishable under Sections 74, 75(1), 75(2) and later on added Sections 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 and the proceedings vide R.C.C.No.504/2025 pending before the Court of Judicial Magistrate First Class, 3rd Court, Khamgaon are quashed and set aside against the applicant only.

(MRS. VRUSHALI V. JOSHI, J.)