



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2137 OF 2024

SANKET MANOHAR MORE ..PETITIONER
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Prateek Dutta, Advocate for the Petitioner.
Ms. Supriya Kak, APP for State.
API Dudhamal, Malvani Police Station.

CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.

DATE : 7th JANUARY, 2025.

P.C. :-

1. The Petitioner is the husband of the Complainant/Informant who has not been arrayed as a Respondent in this proceeding. She has registered a First Information Report (FIR) bearing No.0166 of 2024 alleging physical assault and outraging of her modesty. Sections 354, 323, 506 of the Indian Penal Code (IPC) have been invoked, when the FIR was registered with Kasturba Sub Police Station, Brihanmumbai (City).

2. The Complainant/Informant has stated in the FIR that she entered into a marriage with the Petitioner. It was a love marriage. Their son is around 10 years of age. She is working as a

Manager with a renowned entertainment/media company. It is stated in the FIR that for more than one year, the husband used to occasionally visit the home. There are several marital disputes between the two. The cases arising out of the marital discord are pending before certain Courts. She and her son used to sleep in a different bedroom and the husband used to sleep in the hall.

3. It is further stated in the FIR that on 26th February, 2024, the Petitioner reached his home at around 10.30 p.m. The Informant/Complainant was working on her office laptop. After she finished her work, she slept in her bedroom. The husband forcible opened the door of the bedroom and despite her refusal, he entered the bedroom and started an argument with her. The Complainant approached the Police Station and registered a complaint bearing No.300 of 2024, invoking Section 506 of the IPC.

4. It is then stated that on 27th February, 2024, at 1.30 a.m., the Petitioner forcibly entered the bedroom of the Complainant and entered her washroom. Thereafter, he went out of the bedroom. After the door of the bedroom was closed, he started banging the door due to which her son got woken up. After the husband entered

the bedroom, he closed the door from inside. The Complainant picked up her cellular phone and commenced video recording of the incident. The husband switched on the lights and snatched the cellular phone from her hand. He outraged her modesty which is narrated by her as, “तेव्हा माझे पतीने माझे मर्जी शिवाय माझे छातीला हात लावला. त्यामुळे मला लज्जा उत्पन्न झाली. माझे पती हे माझा मोबाईल घेउन किचन मध्ये गेले त्याचे मागे मागे किचन मध्ये गेले असता, तेथे माझे पतीने धक्का बुक्की केली. त्यानंतर मी माझे बेडरूम गेले. त्यानंतर आमचे दोघांमध्ये आरडा ओरड झाली. हा सर्व प्रकार माझा मुलगा मेधांश यांचे समोर घडला आहे. त्यानंतर पोलीसांना बोलावुन घेतले व पोलीसां समवेत आम्ही पोलीस ठाणेस आलो”. Thereafter, he physically assaulted her.

5. This incident took place in the presence of the 10 year old son. The police were summoned and along with the police, the Complainant as well as the Petitioner travelled up to the Police Station.

6. The contention of the learned Advocate for the Petitioner is that a false story has been narrated in the FIR. On account of a marital discord, the Complainant is lodging the complaints against him. The FIR is motivated. A charge-sheet has

also been filed before the trial Court. Since a false statement is recorded, he prays that the FIR be quashed. It is further contended that the Petitioner has been granted regular bail.

7. Considering the law laid down in *(i) Rajeev Kourav Versus Baisahab and others, (2020) 3 SCC 317, (ii) Kaptan Singh Versus State of Uttar Pradesh and others, (2021) 9 SCC 35 and (iii) State of Odisha Versus Pratima Mohanty and others, (2022) 16 SCC 703*, we do not find that we can conduct a mini trial in this proceeding to conclude or draw an impression or a conclusion that the contents of the FIR are totally false and the FIR deserves to be quashed.

8. Since we were not convinced, we gave an opportunity to the learned Advocate for the Petitioner as to whether he desires to withdraw this Writ Petition. On instructions, the learned Advocate submitted that the Petitioner prays that an order be passed.

9. In view of the above, **this Writ Petition is dismissed.**

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)