



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 3550 OF 2025**

Girish Nigonda Patil,  
Age : 32 Years, Occu : Agriculturist,  
R/o. At Post Maroli, Tq. Mangalwedha,  
Dist. Solapur.

**...PETITIONER**

**VERSUS**

1. The State of Maharashtra,  
Through Mangalwedha Police Station,  
Dist. Solapur
- 2.

**...RESPONDENTS**

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Mr. Ritish Thobde a/w Mr. Changdev Shingade, Mr. Pushkaraj Yadav –  
Deshmukh, Ms. Divyashree Dhumal and Ms. Siddhi Jeur, Advocate for the  
Petitioner.

Mr. Anand S. Shalgaonkar, APP for Respondent – State.

Mr. Ajit Vishwanath Alange, Advocate for Respondent No.2.

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**CORAM : ABHAY J. MANTRI, J.**

**DATE : AUGUST 20, 2026**

**ORAL JUDGMENT :**

1. The Petitioner has invoked the inherent jurisdiction of this Court  
under Section 482 of the Code of Criminal Procedure, 1973 (for short, '*Cr. P.  
C.*') to quash and set aside the First Information Report No.0090 of 2024  
dated 05<sup>th</sup> February 2024 (for short, '*FIR*') lodged with the Mangalwedha  
Police Station for the offences punishable under Sections 323, 353, 354 and

354-A of the Indian Penal Code, 1860 ((for short, '*IPC*') and, by way of amendment, prayed for quashing and setting aside the charge-sheet bearing Regular Criminal Case No.198 of 2024 filed pursuant to said FIR.

2. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the Petitioner, learned APP and learned counsel appearing for Respondent No. 2. Perused the charge-sheet and record.

3. On 05<sup>th</sup> February 2024, Respondent No. 2 – victim lodged the report against the Petitioner alleging that at about 12:30 p.m., the Petitioner entered into the Gram Panchayat office, whereupon some altercation took place between them and, during the altercation, he snatched the approval order, tore it up and threw it on the table. Thereafter, he grabbed and pressed her right shoulder and shoved her away after doing something that made her feel ashamed. Based on the said complaint, an offence was registered against the Petitioner vide Crime No. 0090 of 2024 for offences punishable under Sections 323, 353, 354, and 354-A of the IPC. Being aggrieved by the same, the Petitioner has preferred this Petition.

4. During the pendency of this Writ Petition, the investigation was completed, and therefore, the Investigating Officer has filed the charge-sheet against the Petitioner. As such, the Petitioner has also challenged the said charge-sheet.

5. It is pertinent to note that during the course of arguments, the learned counsel for the Petitioner did not press the prayer to quash the proceedings under Sections 323 and 353 of the IPC. However, he only emphasised that the ingredients of Sections 354 and 354-A of the IPC are not attracted against the Petitioner. He further canvassed that it does not appear that the Petitioner pressed her right shoulder with the intention of outraging the modesty of the victim. No intention to outrage the modesty of the victim appears; therefore, he urged that, to the extent of the offence under Sections 354 and 354-A of the IPC, the FIR and the charge-sheet be quashed and set aside.

6. It is further argued that the Petitioner had made a complaint against Respondent No. 2 with the Block Development Officer, Panchayat Samiti, Mangalwedha. The BDO had issued a notice to her; therefore, to counter the said complaint and out of grudge, the Respondent No. 2 lodged a false FIR against the Petitioner. He further submits that a bare perusal of the FIR does not indicate that the Petitioner, with an intention to outrage the modesty of the victim, made any physical contact and advances involving unwelcome and explicit sexual overtures.

7. To buttress his submissions, he has placed reliance on the judgments of the Hon'ble Supreme Court in *Naresh Aneja alias Naresh*

***Kumar Aneja Vs. State of Uttar Pradesh and Another***<sup>1</sup> and drew my attention to paragraph Nos. 20 to 24 of the said judgment and in ***Salib Alias Shalu Alis Salim Vs. State of Uttar Pradesh and Others***<sup>2</sup> and pointed out paragraph No. 26 of the said judgment and submitted that, in view of the law laid down by the Hon'ble Supreme Court, in the above judgments, the Petitioner is entitled to be absolved of the offences under Sections 354 and 354-A of the IPC. Therefore, he urged for quashing the FIR against the Petitioner to the extent of Sections 354 and 354-A of the IPC.

8. *Per contra*, learned APP and the learned counsel appearing for Respondent No. 2 vehemently opposed the Writ Petition, contending that the averments made in the FIR clearly indicate that the Petitioner has outraged the modesty of the victim and, therefore, the Petitioner is not entitled to the relief as sought. They also submitted that the victim, in her statement, has categorically stated that the Petitioner pressed her right shoulder and shoved her away after doing something that made her feel ashamed with an intention to outrage her modesty and that her statement was supported by two eye-witnesses and, therefore, they submitted that the Petitioner has failed to make out a case to invoke the inherent jurisdiction of this Court and urged for rejection of the Writ Petition.

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1 (2025) 2 SCC 604

2 (2023) 20 SCC 194

9. Having heard the rival contentions of the learned counsel for the parties and gone through the FIR and charge-sheet, at the outset, I would like to reproduce the relevant part of the averment made in the FIR as under:

“..... त्यावेळी त्याने दुय्यम प्रतेवर आडवा शिक्का मारा असे म्हणु लागला असता मी त्यास म्हणाले की मी घरकुल मंजुरीचे आदेश लाभार्थीना देवुन झाले नंतर मी आडवा शिक्का शिक्का मारून देते असे म्हणु लागली त्यावेळेस गिरीष निगोंडा पाटील याने मला एकेरी भाषामध्ये तु मला आताचे आता आडवा शिक्का मारून दे असे म्हणुन गावचे सरपंच राजकुमार रामगोंडा पाटील व शिपाई रमेश सगान्ना सरजे याचे समोर त्याने माझे हातातील घरकुल मंजुरीचे आदेश हिसकावुन घेवुन फाडुन टेबलवर टाकुन माझे उजव्या खांदयाला हात लावुन दाबुन मला लज्जावाटले असे कृत्य करून धकलुन देवुन मी करत असलेल्या शासकीय कामात अडथळा केला त्यावेळेस सरपंच व तेथे हजर असलेला शिपाई यांनी त्यास तु असे करू नकोस असे म्हणुन त्यास ऑफिस चे बाहेर काढले त्यानंतर आमचे गोंधळाचा आवाज ऐकुन ग्रामपंचायत समोर हजर आसणारे गुलाब, सनदी, महानतेश नागाप्पा जमखंडी, गुरुराज जमखंडी असे माझे जवळ आले मी घडला प्रकार त्यांना सांगितला ऑफिस मध्ये गिरीष निगोंडा पाटील याचा मोबाईल खालीपडल्याने तो मोबाईल मी घेवुन मी माझे पती सोबत मंगळवेढा पोलीसा ठाणेस घडले प्रकाराबत तक्रार देण्यास आली असुन माझी घडले प्रकाराबाबत तक्रार आहे. सोबत आणलेला मोबाईल आपणाससमक्ष हजर करीत आहे. ....”

10. Bare perusal of the above averments, prima facie, indicates that the victim was doing her job in the Gram Panchayat office when the Petitioner entered into the office and quarrelled with her, and snatched the approval order, tore it up and threw it on the table. Thereafter, he grabbed and

pressed her right shoulder and shoved her away after doing something that made her feel ashamed. Thus, prima facie, it reveals that the Petitioner used assault or criminal force to deter her from discharging her duty as a public servant and also outraged her modesty, causing her to feel ashamed. The said averments themselves attract the ingredients of Sections 323, 353 and 354 of the IPC. However, prima facie, it does not appear that the Petitioner, with an intent to commit physical contact and advances involving unwelcome and explicit sexual overtures or a demand for sexual favours, as contemplated in Section 354-A of the IPC. Therefore, prima facie, the ingredients of Section 354-A of the IPC are not attracted against the Petitioner.

**11.** Apart from that, on perusal of the FIR as well as the statements of the two eyewitnesses, one of whom is the Sarpanch of the Village and the other is the peon of the Gram Panchayat office, who were present on the spot, it appears that their statements corroborate and support the statement of the victim. Moreover, the statements of the other witnesses, and other material, prima facie indicate that, on the day of the incident, the Petitioner was present on the spot and he outraged the modesty of the victim and also committed assault to deter her from discharging her official duty.

**12.** In *Naresh (supra)*, the facts were different from the case in hand. In the said case, there was an absence of prima facie evidence indicating the

use of any force against the victim therein and the requisite intent on the part of the Appellant therein. However, in the case in hand, prima facie, the averments made in the FIR indicate that the Petitioner used assault or criminal force to deter her from discharging her duty as a public servant and also outraged her modesty, causing her to feel ashamed. Therefore, in my view, the law laid down in *Naresh (supra)* is hardly of any assistance to the Petitioner in support of his submissions.

13. In *Salib (supra)*, the facts are totally different from the case in hand. In the said case, the name of the accused was not disclosed in the FIR, but the victim's statement did so. So also, in the said case, there was prima facie material to show that the case was fabricated, and the ingredients of Section 506 were attracted, whereas the offences under Sections 195-A and 386 of the IPC were found not to be made out. Moreover, in the said case, multiple FIRs were registered against the Appellant therein. However, in the case at hand, the statements of the victim and the two eyewitnesses consistently indicate that on the day of the incident, the Petitioner entered the Gram Panchayat office, quarrelled with the victim, snatched the approval order, tore it up, and threw it on the table. Thereafter, he grabbed and pressed the victim's right shoulder and shoved her away after doing something that made her feel ashamed. Therefore, it cannot be said that the victim, with a malicious intention, lodged the FIR against the Petitioner. Therefore, the

observations made in paragraph No.26 of the said judgment are hardly of any assistance to the Petitioner in support of his case.

14. In the light of the above discussion, at the outset, it appears that the Petitioner has prima facie failed to make out a case to invoke Section 482 of the Cr.P.C. to quash the entire FIR, i.e. to quash the offences punishable under Sections 353, 354 and 323 of the IPC. However, prima facie, the ingredients of Section 354-A of the IPC are not attracted against the Petitioner. That being so, and considering the above discussion, in my view, the Petitioner has made out a case to invoke Section 482 of the Cr.P.C. to the extent of Section 354-A of the IPC.

15. As a result, *the Writ Petition is partly allowed to the extent of quashing the FIR and charge-sheet insofar as the offence punishable under Section 354-A of the IPC is concerned.* However, the Petitioner failed to make out a case to invoke Section 482 of the Cr. P. C. to quash the FIR and charge-sheet in respect of Sections 323, 353 and 354 of the IPC. Hence, *the Petition is dismissed to the extent of quashing the FIR and charge-sheet in respect of Sections 323, 353 and 354 of the IPC.*

16. Consequently, **the Petition is partly allowed in the above terms.**

17. Rule is made partly absolute in the above terms.



18. Inform the concerned Court accordingly.
19. Needless to clarify that the observations made hereinabove shall not come in the way of the Petitioner during the trial.

**(ABHAY J. MANTRI, J.)**