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

**CRIMINAL WRIT PETITION NO. 4873 OF 2021**

Yusuf Afroz Yusha Hussaini Sayyed

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr.A.N.Kazi a/w Mr.Rizwan Khan, Advocates for the Petitioner.  
Mr.K.V.Saste, APP for the Respondent Nos. 1 and 2.

**CORAM : REVATI MOHITE DERE &  
S. M. MODAK, JJ.**

**DATE : 19<sup>th</sup> OCTOBER 2022**

**P.C. :**

1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. By this petition, preferred under Articles 226 and 227 of the Constitution of India and under Section 482 of the Cr.P.C., the petitioner seeks quashing of the FIR, registered vide C.R. No. 555 of 2021, with the Mumbra Police Station, for the alleged offences punishable under Sections 354, 354-D, 342 and 506 of the Indian Penal Code.

3. According to the respondent no.3 – original complainant, the incident took place in the month of March-2021 at about 11.00 a.m., when she had gone to Amrut Nagar, Kausa, Mumbra for purchasing vegetables. She has alleged that the petitioner held her hand, disclosed his name and told her, that he was residing at Wafa Tower, Sharifa Road, Amrut Nagar, Mumbra. He also told her *“tu mujhe bohot pasand hai, mere saath chale gi kya, mai tumhe khush kar dunga”*. The respondent no.3 has further alleged, that whenever she went out to the market, the petitioner met and stopped her and told her *“tumhara mobile number de do mujhe tumhe bahar le ke jana hai, sub kharcha mai karta hu, ek baar mere saath chalo, agar tumhe bahar jane ko sharam aati hai to mere ghar pe koi nahi hai tum kaho to ghar pe jayege”*. She has stated that she ignored the petitioner, however, the petitioner followed her till her house. She has stated that as she was scared, she did not disclose the incident to her family.

The respondent no.3 has further alleged that on 8<sup>th</sup> June, 2021, at about 10.00 p.m., when she had gone to Tanwar Nagar, Kausa, Mumbra, the petitioner was standing near a golden colour Toyota car and that he told her ; *“ye gaadi meri hai, chal ek ghante*

*me ghoom ke aate hai*”. After uttering these words, the petitioner opened the car door and tried to pull her inside the car and touched her inappropriately and also threatened to kill her, if she disclosed the incident to anyone.

4. *Prima facie*, the allegations disclose the commission of an offence as alleged by the respondent no.3-original complainant.

5. Although, the learned counsel for the petitioner submitted that it is a false and fabricated FIR, and that, the present complaint has been lodged *malafidely*, and that, no such incident had taken place, the petitioner being a handicapped person and as such, could not have pulled her in the car as alleged, we are of the opinion, that this is the defence of the petitioner, which will be considered by the trial Court, at the time of trial.

6. Considering what is stated aforesaid, this is not a fit case to exercise our extraordinary jurisdiction nor inherent jurisdiction for quashing the case.

7. Petition is accordingly dismissed.

8. Needless to state, that the observations made hereinabove, are *prima facie*, made for the purpose of deciding the present petition. The learned Judge to conduct the case on its own merits, uninfluenced by the said observations.

9. Petition stands disposed of.

**S. M. MODAK, J.**

**REVATI MOHITE DERE, J.**