

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO.8587 of 2024

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SAMIR ROY

Versus

STATE OF GUJARAT & ORS.

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Appearance :

PARTY IN PERSON for the Applicant.

for the Respondent Nos.2,3,4,5,6,7,8,9

MR CHINTAN DAVE, APP for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 16/07/2024

ORAL ORDER

Party-in-person has drawn the attention of this Court to the impugned FIR and states that even as per the FIR, the only allegation against the applicant is that the applicant asked the complainant her name, address and mobile number.

Of course, this may be an inappropriate act on the part of the applicant, but at the same time, *prima facie*, this Court is of the view that if Section 354 of the Indian Penal Code is read, the same is in respect of sexual harassment and punishment for sexual harassment. In the impugned FIR, the offence is registered under Section 354A of the IPC and, therefore, *prima facie*, though morally even if the FIR is believed to be true, the act on the part of the applicant to ask name, address etc. to an unknown lady can be said to be an inappropriate act, but the same would not amount to sexual harassment as per the *prima facie* observation of this Court looking to the facts narrated in the FIR.

Considering the above submission, **issue notice to the respondents returnable on 9.9.2024**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent No.1 - State. Direct service to respondent No.2 through concerned Police Station is permitted.

In the meantime, there shall be ad-interim relief in terms of paragraph 32 (i) qua the applicant.

(NIRZAR S. DESAI,J)

SAVARIYA