

Bombay High Court rejects plea to restart rape case against JSW MD Sajjan Jindal

Last year, a magistrate court accepted a police closure report that termed the complainant's claims untrue.

The Bombay High Court recently dismissed a plea by a 32-year-old woman asking the reopening of a rape and criminal intimidation case against JSW Group chairman and managing director Sajjan Jindal.

Last year, a magistrate court accepted a police closure report that termed her claims untrue.

A Bench of Chief Justice Shree Chandrashekhar and Justice Gautam A Ankhad on December 24 rejected the woman's criminal writ petition challenging the April 24, 2024 order of the Metropolitan Magistrate, Bandra, which had accepted the B?summary report in a first information report (FIR) lodged at the Bandra Kurla Complex (BKC) police station.

The FIR had invoked Sections 376 (rape), 354 (outraging modesty) and 506 (criminal intimidation) of the Indian Penal Code against Jindal, who had rejected the accusations as false and baseless.

The closure report recorded that the complaint was made after a considerable delay and that the woman did not appear to record her statement under Section 164 of the Code of Criminal Procedure despite having several opportunities to do so.

The investigating officer also put on record hotel and travel details to state that Jindal was not present at Taj Lands End, Bandra or at other places mentioned in the FIR on the relevant dates.

The magistrate granted the police request to close the case based on this material and an affidavit in which the complainant expressed her inability to pursue the case and made no objection to the B?summary report.

The woman approached the High Court asking to set aside the magistrate's order, reopen the investigation and transfer the probe to the Central Bureau of Investigation (CBI) or a court-monitored Special Investigation Team.

She also sought a direction to the cops to file a charge sheet within three months. The petitioner claimed that Jindal is a ***“powerful man with political support”*** and that the police had failed to protect her interests after registration of the FIR.

The High Court rejected the challenge, holding that the scope of interference was limited once the complainant had stated her inability to continue the case and had made no objection to the summary.

“The Magistrate who deals with the police report cannot compel the police to change his opinion. A finding of fact recorded in the police report could not have been doubted by the Magistrate when the prosecutrix herself made a statement that she did not want to contest the matter,” the Bench held.

The Bench also noticed that the petitioner is a highly educated medical professional. It described her as a multi-talented young woman who made a conscious choice in her dealings with the accused.

The Court also noted that the petitioner did not claim that the behaviour of the accused person was deceitful.

“She doesn't claim that the accused person on some false pretext took her to the washroom...All that the petitioner says is that the accused person told her a sob story of his marriage life and promised that they would live as husband and wife in some other country. But then the petitioner herself says that she was not agreeable to such a plan. In these situations, the petitioner must be held to have made a conscious and

informed choice...Some of the WhatsApp chats produced by her on record may give an idea that she was passionate about the accused person."

The Bench emphasised that it is for the police to form an opinion on whether a case is made out and decided that there was no merit in the writ petition.

Advocate Rahul Arote acted for the petitioner

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