

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

CRIMINAL WRIT PETITION NO. 1431 OF 2015

Mohammad Abad Islam Ansari .. Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Mahesh Vaswani i/b Anushree Kulkarni for the petitioner
Mrs. M.H. Mhatre, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 17th AUGUST, 2015.**

P.C.

1. Heard Mr. Vaswani and Mrs. Mhatre, learned APP for the State.

2. This petition is filed under Article 226 of the Constitution of India for quashing the FIR bearing C.R. No.288 of 2014 registered under Section 376(d) r/w 34 of the IPC with Dharavi Police Station, Mumbai at the instance of respondent no.2. We have gone through the FIR. The FIR *prima-facie* discloses ingredients of the offence under Section 376(d) against the petitioner.

3. Mr. Vaswani, learned Counsel for the petitioner submits that the petitioner was not there at the scene of the offence. He also submits that the first informant is expired subsequently. We are not impressed by the submission. Even if it is assumed that the prosecutrix is expired subsequently, the same would not be a ground for quashing the FIR. The investigation is in progress. We are, therefore, not inclined to quash the proceedings at the this stage.

4. The Writ Petition is disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)