

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

CRIMINAL WRIT PETITION NO. 1649 OF 2013

Surendra Kumar Bagri

.. Petitioner

v/s.

The State of Maharashtra

..Respondents

Mr. Nilesh Pawaskar for the petitioner

Mrs. S.V. Sonawane, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 25th FEBRUARY, 2015.

P.C.

1. Heard Mr. Pawaskar, learned Counsel for the petitioner and Mrs. Sonawane, learned APP for the respondent State. The petitioner, by this petition is seeking quashing and setting aside the proceedings of C.C No. 276/PW/2013 pending before the 64th Metropolitan Magistrate Court, Esplanade, Mumbai in C.R. no.57 of 2012 registered with CB DCB, CID Unit No.1, Mumbai. Mr. Pawaskar submits that the petitioner's name is not disclosed in the FIR. He further submits that in panchanama, there is a

reference to the name of one Junior Calcutta and his conversation, however, there is no material against the petitioner. He submits that in similar circumstances, the learned Single Judge of this Court by order dated 27th June, 2013 passed in Writ Petition No.123 of 2013 quashed the C.C. No.42/PS/2011.

2. Mrs. Sonawane, learned APP submits that the petitioner is a wanted accused. She submits that the petitioner is also known as Junior Calcutta and that the role of the petitioner in the alleged offence is yet to be investigated.

3. It is true that the petitioner's name is not disclosed in the FIR. However, reference to the conversation of Junior Calcutta in panchanama dated 17.05.2012 is yet to be investigated, qua the present petitioner. We are of the considered opinion that quashing of the criminal proceedings at this stage, curtail the investigation.

4. So far reliance on order of learned Single Judge in Criminal Writ Petition No.123 of 2013 is concerned, the same does not indicate whether the petitioner was wanted accused in the crime, which was subject matter of the said writ petition. The order, therefore, cannot come to the rescue of the petitioner. In the facts and circumstances of the case, we are not inclined to entertain this writ petition in exercise of extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India.

5. Accordingly, the Writ Petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)