

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2802 OF 2013**

Shobhit Rajan S/o. Jagdish Rajan & Ors.Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents.

Mr. Vaibhav Krishna i/b Girish Kedia for the petitioners
Mr. M.R. Irani, respondent no.4 in person
Mrs. U.V. Kejriwal,APP for the respondent-State.

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

DATED : April 20, 2015.

P.C.:

. Mr. Krishna, learned counsel for the petitioner, at the outset, seeks leave to amend prayer clause (b) to seek quashing of the MECR No.3/2013. Leave granted. Necessary amendment shall be carried out forthwith.

2. Heard learned counsel appearing for the respective parties. This petition is filed under Article 226 of the Constitution of India for quashing and setting aside proceedings of the M.E.C.R. No.3 of 2013 registered with Juhu police station. Said MECR is registered at the instance of the respondent no.4 for the offence punishable under Sections 143, 380, 403, 404, 451 read with Section 34 of the IPC.

Quashing is sought on the ground that FIR in respect of the said offence is already registered being MECR No.01/2012 at Khar Police Station.

3. We have perused MECR No.1 of 2012 registered at Khar Police Station and MECR No.3 of 2013 registered at Juhu Police Station, Mumbai. MECR No.1/2012 covers the incident dated 07.01.2011, which is the subject matter of MECR No.3 of 2013. All the accused named in the MECR no.3 of 2013 are also the accused in MECR No.1 of 2012. Thus, MECR No.3 of 2013 is the second FIR in respect of the same incident, which is the subject matter of MECR No.1 of 2012. Hence, second FIR being MECR No.3 of 2013 needs to be quashed in the light of ratio of decision of the Supreme Court in the case of ***T.T.Anthony Vs. State of Kerala, 2001 (6) SCC 181.***

4. It is seen that initially, at the instance of the respondent no.4, C.R.NO.673 of 2010 was registered at Bandra Police station in respect of the incident dated 23.12.2010. Bandra police investigated the said CR and thereafter filed 'C' summary report, which is pending for consideration before the learned Magistrate. Respondent no.4 thereafter filed private complaint in respect of the incident dated 23.12.2010 and in pursuance of the order under Section 156(3), MECR No.1/2012 came to be registered at Bandra Police Station. Additional Commissioner Bombay Police

thereafter transferred the investigation of this CR to Khar Police Station as Bandra Police Station has already filed 'C' summary report in C.R.No.621/2010.

5. In the above circumstances, since both the police stations at Bandra and Khar come within the jurisdiction of the same A.C.P., we feel appropriate to transfer the investigation of the MECR No.1 of 2012 with Crime Branch Unit No.9. Investigation Officer of M.E.C.R. No.1/2012 at Khar Police Station as well as Investigation Officer of MECR No.3/2013 at Juhu Police Station are directed to hand over all seized goods / articles, documents to Crime Branch Unit No.9. Investigation Officer of MECR No.1 of 2012 at Khar Police Station is directed to hand over all investigation papers to Crime Branch Unit No.9.

7. Under the circumstances, petition is allowed in terms of prayer clause (a). Respondent no.4 is at liberty to give additional statement before the Crime Branch Unit No.9 and thereafter Crime Branch Unit No.9 shall investigate the alleged incident dated 23.12.2010 and 7.1.2011 and take appropriate decision as expeditiously as possible. Certified copy is expedited.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)