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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL WAPPELLATE JURISDICTION
WRIT PETITION NO. 4133 OF 2014

1. Mrs. Shalu Agarwal
2. Jogesh Jindal
3. Mr. Vinay Jindal

....Petitioners

versus

1. The State of Maharashtra
2. Mrs. Sunita S. Kumar

....Respondents

Mr. Mahesh Thorat, advocate for the petitioners.

Mrs. U. V. Kejriwal, APP for the State.

Mr. R. D. Suryavanshi, advocate for respondent No.2.

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

DATED : 27th March, 2015.

P.C.:

Heard learned counsel appearing for the respective parties.

2. The petition is filed for quashing the proceedings of MECR No.11 of 2012 registered with Juhu Police Station for offences punishable under Sections 342, 465, 467, 468, 469, 471, 193, 211, 218, 220, 500 and 120 B of the Indian Penal Code, 1860 (for short "the IPC") and Section 13(1)(5) of the Prevention of Corruption Act, 1988 (for short "1988 Act"). The said MECR is registered in pursuance of the order under Section 156(3) of the Criminal Procedure Code, 1960 (for short "the Cr.P.C.") passed by learned Metropolitan Magistrate in C.C.No.410/SW/2012. The petitioners have approached this Court

invoking inherent jurisdiction under Section 482 of the Cr.P.C. and are seeking quashment with the consent of respondent No.2. Respondent No.2 has, accordingly, filed an affidavit giving no objection for quashment of the subject MECR. Respondent No. 2 is also personally present before the Court and has given her no objection for quashing the said MECR.

3. Having considered the submissions and having gone through the allegations in the FIR, we are not inclined to quash the proceedings in exercise of inherent powers of this Court under Section 482 of the Cr.P.C., since the offences as alleged against the petitioners are serious. Some of the petitioners are police officers and alleged to have committed offence under Section 13(1)(5) of the 1988 Act. In terms of **Gyan Singh versus State of Punjab and anr. (2012) 10 SCC 303** and **Narinder Singh versus State of Punjab 2014 AIR SCE 2065,** such offences cannot be quashed. We are, therefore, not inclined to entertain the petition. The petition is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)