

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

CRIMINAL WRIT PETITION NO. 4996 OF 2014

Kailash Patil

..Petitioner

v/s.

Mohammed Razak Zaharuddin Sheikh
& Ors.

..Respondents

Ms. Deepa Chavan i/b. Ms. Reshmarani Nathani for the Petitioner.
Mr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : JANUARY 06, 2015.**

P.C.

1. Heard learned counsel for the petitioner and the learned APP for the State. By this petition, filed under Article 226 and 227 of the Constitution of India r/w. the provisions of Section 482 of Cr.P.C., the petitioner is seeking quashment of FIR No. I-211 of 2014 registered on 22.11.2014 with the Bhoiwada Police Station.
2. The incident in question has occurred on 10.11.2014 at about 9.00 a.m. On the very same day, at about 1.30 p.m. the respondent no.1 filed N.C. Complaint under Section 323 and 504 of the Indian Penal Code with the Bhoiwada Police Station, wherein it is alleged that the petitioner abused and assaulted the complainant. The

Bhoiwada Police Station, at the instance of the respondent no.1 thereafter registered another C.R. on 22.11.2014 being C.R.No.211 of 2014 for the offences punishable under Section 325, 323 and 504 of Indian Penal Code. The second FIR was registered on the basis of the medical report which allegedly disclosed that the respondent no.1 sustained fracture on the forearm.

3. Learned Counsel for the petitioner submits that both the N.C. complaint as well as the FIR dated 22.11.2014 are in respect of one and the same incident. She further submitted that later FIR was registered after delay of 12 days. In our considered opinion, delay in filing the FIR cannot be a ground for quashing of the FIR. The veracity of the allegations made in the FIR also cannot be gone into at this stage. Since the FIR, as well as medical certificate on record disclose prima facie commission of offence, we are not inclined to entertain this petition. The petition is devoid of merits and is dismissed accordingly.

4. It is expressly made clear that the observations made herein above are prima facie in nature and should not be construed as any expression on merits.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)