

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3270 OF 2016

Adrian de Souza

... Petitioner

v/s

The Senior Inspector of Police,
Cuffe Parade Police Station, Colaba,
Mumbai 400 005 and another

... Respondents

Mr Subodh Desai with Ms Sanchita Shridhar for Petitioner.
Ms M.H. Mhatre, APP for Respondent Nos.1 and 2.

CORAM: A.S. OKA AND A.A. SAYED JJ.

DATE : 3RD OCTOBER 2016.

P.C. :-

1. Not on board, taken on board. Heard learned counsel for the Petitioner and the learned APP for the Respondents.

2. As this Petition cannot be taken up by the regular Bench presided over by Hon'ble Shri Justice N.H. Patil, as per the general standing order issued by the Hon'ble Chief Justice, the Petition will

have to be heard by this Bench.

3. By this Petition, the Petitioner has questioned the act of Police Officers of Cuffe Parade Police Station of calling upon the Petitioner to answer a detailed questionnaire (Exhibit 'M') and warning issued to him.

4. The learned APP, on instructions from Shri Adinath Ahire, API, Cuffe Parade Police Station, who is present in Court, states that the said questionnaire was issued as the Police were inquiring into the complaint letter dated 12th January 2016 submitted by one Rajesh Sunderlal Bahl. On instructions, she states that the inquiry on the basis of the said complaint letter is closed and Police have decided not to register FIR on the basis of the said complaint. We accept the said statements made by the learned APP on instructions.

5. As the questionnaire was admittedly issued in connection with the complaint dated 12th January 2016, it is needless to state

that now no action can be taken on the basis of the failure of the Petitioner to give reply to the questionnaire.

6. In view of the above statement of the Police Officer, we dispose of this Petition. We make it clear that we have not made any adjudication on the legality and validity of the questionnaire issued by the Cuffe Parade Police Station, Mumbai 400 005.

(A.A. SAYED J.)

(A.S. OKA J.)