

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

WRIT PETITION NO. 3457 OF 2016

Shahnaz Begum	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr.R.Sathyanarayanan for the Petitioner.
Mr.J.P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 30th NOVEMBER, 2016.

P.C. :

1] This petition is filed for quashing the report dated 27th June, 2016 filed by the Deputy Commissioner of Police (Zone-IV), Matunga (East), Mumbai.

2] It appears that the said report is filed before the Registrar of the Sessions Court at Mumbai, in pursuance of an order dated 30th March, 2016 passed by the Division Bench of this Court in Writ Petition No.356 of 2016.

3] There is no dispute that in respect of the incident in question FIR No.347 of 2015 is registered under Section 302 of the

Indian Penal Code against accused Santosh Eknath Arekar. It is also not disputed that the investigation is already completed and Charge-sheet is also filed before the Sessions Court, Mumbai for offence punishable under Section 302 of the Indian Penal Code.

4] This petition takes an exception to the said report dated 27th June, 2016. Learned counsel for the petitioner, invited our attention to some of the observations in the said report filed by the Deputy Commissioner of Police (Zone-IV), Mumbai and submit that the prosecution of case by the petitioner against accused would be prejudiced.

5] We find some substance in the submissions of the learned counsel in as much as the Deputy Commissioner of Police in her report observed that “the complaint of the petitioner is misleading and entire incident in question is a result of drollery”. Having filed Charge-sheet for the offence punishable under Section 302 of the Indian Penal Code, the Deputy Commissioner of Police is not expected to make such observations.

6] In any case, be that as it may be, we are, of the opinion that the trial against accused should be based on the evidence

adduced by the prosecution in the Court of law. The said observations made in the impugned report are of no consequences and the Sessions Court is expected to deal with the criminal case in accordance with law, on the basis of the evidence adduced by the prosecution. Subject to above, Writ Petition is disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]