

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION No. 220/2016.

Smt. Varsha Anil Meshram

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATE : SEPTEMBER 02, 2016.

Heard Shri P.A. Abhyankar, learned
Counsel for the petitioner, Shri V.A. Thakare, learned
A.P.P. for respondent nos. 1 to 3 and Shri L. Meshram,
learned Counsel for respondent no.4, for some time.

2. Question is – Whether two FIRs, one
lodged by the petitioner and other lodged by
respondent no.4 are in relation to same incidence or
then in relation to different incident ?

3. According to the learned counsel for the
petitioner, as the FIR lodged by respondent no.4 is
belated and due to different version of incidence
earlier reported by the petitioner, an independent FIR

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could not have been registered. He is placing reliance upon judgment of Hon'ble Supreme Court reported at **2013 AIR SCW 245 (1) (Anju Chaudhary .vrs. State of U.P. and another).**

4. Learned counsel further adds that in FIR lodged by the petitioner, provisions of Section 3(i) (11) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are also invoked and hence that offence needs to be investigated into by respondent no.2. In FIR lodged by respondent no.4, there cannot be and there are no such allegations and hence the investigation has to be by the concerned in-charge of the Police Station.

5. Learned counsel further submits that thus, in this matter same incidence because of two different versions is being investigated into by two different authorities and this will lead to unnecessary complications.

6. Learned A.P.P. submits that investigation into the complaint lodged by the petitioner is complete and charge-sheet is already filed. It is further submitted that complaint made by respondent no.4 reveals some offences and an independent

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investigation by competent police officer is going on.

7. Learned A.P.P. has also invited our attention to the fact that parties have some criminal background.

8. We cannot go into the question of criminal background at this stage. If the police authorities find that different offences are being alleged, as per law, they can investigate into it.

9. The question – whether it is a different version of same incidence or then a separate incidence, can be looked into by the competent Court as per law. Party aggrieved can also move appropriate application in accordance with Section 210 of the Criminal Procedure Code, if separate trial by two different courts is going to cause any prejudice.

10. In this situation, without observing anything on the merits of the controversy and with liberty to petitioner to take such other steps as are open to her in law, we dispose of the present petition. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

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