

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

CRIMINAL WRIT PETITION NO.3959 OF 2014

Shaji Yohannan Mathai

.... Petitioner

versus

State of Maharashtra & Ors.

... Respondents

.....

- Mr.Ashish Bhandari, Advocate for the Petitioner.
- Mr.K.V. Saste, APP for the State/Respondent.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**
DATE : 19th JUNE, 2017.

P.C. :

1. Heard the learned counsel for the petitioner and the learned APP.
2. The criminal application is filed for quashing and setting aside entire proceedings of Criminal Case bearing No.1339/PW/2014, pending on the file of learned Additional Chief Metropolitan Magistrate, 22nd Court, Andheri, Mumbai.
3. We have gone through the charge-sheet especially the FIR. The FIR is filed by one Deviprasad Pandey. The FIR discloses that one Anilkumar Bindra was in possession of the premises in

question. The FIR further discloses that on 13/11/2013 the petitioner came at the premises alongwith two persons, broke open the lock of premises in question forcibly, entered the premises and the articles lying in the said premises were taken away by him in a Qualis jeep.

4. The petitioner's counsel submits that the petitioner is the owner and therefore there is no question of breaking open of the lock.
5. We are unable to accept the petitioner's submission in as much as the allegations are made in the FIR. The veracity of the allegations made in the FIR cannot be taken into consideration at the stage of quashing. The allegations are required to be accepted as they are. In our considered view, the F.I.R. prima facie discloses the commission of cognizable offence.
6. In the above circumstances we are not inclined to entertain the petition. The petition is accordingly dismissed.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)