

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4448 OF 2016

Shri Bhanudas Baburao Yadav and anr. ..Petitioners
Versus
The State of Maharashtra and ors. ..Respondents

Mr. Manoj A. Patil i/b. Mr. Vijaykumar Rajendra Garad, advocate for the petitioners.
Mrs. M. M. Deshmukh, APP for the State.

CORAM : RANJIT MORE,
A. M. BADAR, J J.

DATE : 9th MARCH, 2017.

P. C. :

Heard learned counsel for the petitioners and learned
APP.

2. By this petition, the petitioners are seeking appropriate actions against respondent Nos. 3 to 5. The petitioners seek action against the said respondents on the ground that they have not carried out appropriate investigation into the FIR bearing CR No.149 of 2013. The said FIR was registered at the instance of petitioner No.2. The allegations made therein were that the petitioner No.2's sister was kidnapped by one Nikhil Ankush Nikam. The said FIR was registered for offences punishable under Sections 363, 368 read with Section 34 of the Indian Penal Code, 1860, against the said accused – Nikhil Ankush Nikam and his father.

3. The petitioners had earlier filed habeas corpus petition in this Hon'ble Court alleging that the girl -Asmita is missing and/or kidnapped by the said Nikhil. During the pendency of this petition, the missing girl, on her own, surrendered before the Police and was, accordingly, produced before this Court, when she stated that she is married to this Nikhil and is staying along with him. On the basis of the said statement, the habeas corpus writ petition was dismissed.

4. As stated above, in the present petition, the grievance of the petitioners is that respondent Nos. 3 to 5 have not made any progress in the said FIR. Mrs. Deshmukh, learned APP, on instructions, stated that after registration of the FIR, the accused obtained anticipatory bail from this Court on 22nd March, 2016. She further stated that the investigation is completed and charge-sheet is also filed against the accused before the concerned magistrate.

5. In the above circumstances, we do not find any merit in the petition. The petition is filed with an ulterior motive and, therefore, the same is dismissed.

(A. M. BADAR, J.)

(RANJIT MORE, J.)