

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

***CRIMINAL APPELLATE JURISDICTION***

**CRIMINAL WRIT PETITION NO.3101 OF 2016**

|                                 |   |                 |
|---------------------------------|---|-----------------|
| Azim Munir Khan.                | ] | ... Petitioner  |
| Versus                          |   |                 |
| The Senior Inspector of Police, | ] |                 |
| Kurla Police Station & Ors.     | ] | ... Respondents |

**ALONG WITH**

**CRIMINAL WRIT PETITION NO.660 OF 2017**

|                                 |   |                 |
|---------------------------------|---|-----------------|
| Rajesh Dinkar More.             | ] | ... Petitioner  |
| Versus                          |   |                 |
| The Senior Inspector of Police, | ] |                 |
| Kurla Police Station & Anr.     | ] | ... Respondents |

Mr. Imran Sheikh i/b Ruby Shaikh for Petitioner in Writ Petition No.3101 of 2016.

Mr. Abdul Wahab Khan for Petitioner in Writ Petition No.660 of 2017.

Mrs. P. P. Shinde, APP for State in both Writ Petitions.

Mr. S. R. Moray for Respondent No.2 in both Writ Petitions.

Mr. Mohan Patil, PI attached to Dharavi Police Station, present.

**CORAM :- R. M. SAVANT &**  
**SARANG V. KOTWAL, JJ.**

**DATE :- 11 APRIL, 2018**

**P. C. :-**

1. The above Petitions have been filed for quashing of the FIR being C.R.No.127 of 2016 registered with the Kurla Police Station

on 28/03/2016 for the offences punishable under Section 384 read with Section 34 of the IPC. Later on, Sections 376, 328, 354 and 386 read with Section 34 have been added as also the accused have been charged for the offences punishable under Sections 4, 6, 8, 10, 12 and 16 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO').

2. The learned Counsel for the Petitioners Mr. Imran Shaikh and Mr. Abdul Wahab Khan would make submissions revolving around the alleged contradictions or the improvements in the statements of the first informant and thereby seek to challenge the veracity of the case set out in the FIR. It was also the submission of learned Counsel for the Petitioners that there is absolutely no reference to the incident in respect of which the FIR has been lodged on 28/03/2016 with the subsequent FIR dated 12/04/2016 which was originally lodged with Kurla Police Station and thereafter transmitted to Vakola Police Station. The learned Counsel would also seek to make submissions based on the conduct of the first informant which is reflected in the statements which have been made in the two FIRs. On such perusal, it is disclosed that the said two FIRs are in

respect of two difference incidents. It is not possible for us in our writ jurisdiction to sift through the material and thereafter record findings based on facts. As indicated above, the offence punishable under Section 376 of the IPC as also the offences under the POCSO have been added later on. This is pursuant to the supplementary statement which has been recorded of the first informant. At this stage, it is, therefore, not possible for this Court to accede to the request of the Petitioners for interdiction in the writ jurisdiction of this Court for quashing of the FIRs. The Writ Petitions are accordingly dismissed.

3. Needless to state that the trial would proceed on its own merits and in accordance with law without being influenced by any observations made by this Court in the instant order.

**(SARANG V. KOTWAL, J.)**

**(R. M. SAVANT, J.)**