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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1088 OF 2015

Jadda Singh Antarlal Nat ...Petitioner

Vs.

The State of Maharashtra & ors. ...Respondents

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Mr. Pandit Kasar, Advocate for the petitioner.

Mr. S.R. Shinde, A.P.P. for the State.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 5th JANUARY, 2018.

ORDER (PER SMT. V.K. TAHILRAMANI, J.):-

Heard learned Counsel for the petitioner and learned APP for the State. Learned Counsel for the petitioner fairly stated that he is not pressing prayer clause (c) of the petition and is only praying for quashing of C.R.No. 78 of 2013 and the proceedings relating thereto qua the petitioner. The said case is registered with Colaba Police Station. The said case is under Section 454, 457 and 380 of the Indian Penal Code.

2. The complainant was working in 'Belisimo Boutique'. He has stated that he was having key of the main shutter of the said shop. On 10/7/2013, as usual he closed the shop. On the next morning, when he opened the shop, gold and silver ornaments were found missing from the shop, hence, he lodged FIR against unknown persons.

3. The investigation in the said case is over and charge-sheet has been filed. Though there was C.C.T.V. camera outside the shop, in the C.C.T.V. footage only five ladies were found entering the shop during night, who have committed the theft. The petitioner, who is Jadda Singh Antarlal Nat was not seen in the said C.C.T.V. footage. There was no recovery of any stolen article from the petitioner nor there is any recovery or seizure of any incriminating article at the instance of the petitioner. On going through the charge-sheet, we could not find any legally admissible material to connect the petitioner with the crime in question. It appears that the petitioner has been implicated because he was the husband of one of the five ladies who had

entered into the shop where the theft had taken place. On going through the FIR as well as charge-sheet, we find that even if they are taken at their face value and accepted in their entirety, it does not disclose the commission of any offence by the petitioner. In this view of the matter, we are of the opinion that this is a fit case to exercise the power under Article 226 of the Constitution of India and to quash the FIR and the proceedings relating thereto qua the petitioner. The case will go on as far as other accused are concerned.

4. Writ Petition disposed of in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)