

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

CRIMINAL WRIT PETITION NO.1602 OF 2018

Prem Shamdas Lalwani : Petitioner
versus
The State of Maharashtra and anr. : Respondents.

**Mr. Murtaza Nazmi a/w Mr. Shailendra Singh i/by J P Consultia for the
Petitioner.**

Mr. R M Pethe, APP for the Respondent/State.

Mr. Subodh Desai i/by Mr. A K Panicker for the Respondent No.2.

PI Mr. Prakash Bele of Aarey Police Station present.

API Mr. S R Lokhande of Aarey Police Station present.

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

DATE : 27th APRIL 2018

P.C.

1 The learned APP Shri R M Pethe on instructions of the Investigating Officer states that the charge-sheet in respect of the FIR being No.81 of 2017 would be filed within two weeks from date. Statement accepted.

2 The incident of 11/07/2017 has resulted in two FIRs i.e. 81 of 2017 and 82 of 2017 which FIR is filed by the Petitioner herein. The said FIRs are therefore in the nature of cross FIRs arising out of the same incident. It is therefore not possible for this Court in its writ jurisdiction to consider the veracity of the claims made in either of the FIRs. It would therefore be open for the Petitioner to invoke the appropriate remedy under the Criminal Procedure Code after the charge-sheet is filed. If any such application is made,

needless to state that the same would be tried on its own merits and in accordance with law. Needless to state that the contentions of the parties on merits are kept open for being urged at the appropriate stage. The above Writ Petition is accordingly disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]