

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

CRIMINAL APPLICATION NO.819 OF 2018

Sudip S/o. Subrata Ghosh and anr. : Applicants.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Chetan Alai for the Applicants.
Mr. R M Pethe, APP for the Respondent/State.
Mr. Rane Sunil – PI of Airport Police Station present.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 13th AUGUST 2018

P.C.

1 The registration of the FIR is questioned on the ground that an order under Section 202 of the Criminal Procedure Code had already been passed by the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai on the complaint filed by the complainant, and therefore, the FIR could not have been registered.

2 The learned APP Shri R M Pethe informs us that the Respondent No.2 had made a complaint to the Airport Police Station on 27/11/2016. The said complaint of the Respondent No.2 was processed and the Zonal Deputy Commissioner of Police, had directed that an opinion be obtained in respect of the complaint of the Respondent No.2. The Airport Police accordingly on 21/01/2017 addressed a letter to the Law Officer to give his opinion. After going through the gamut of the processes, the FIR ultimately came to be

registered on 06/05/2018.

3 Hence the aforesaid facts disclose that though the complainant was pursuing his remedy under Section 156(3) of the Criminal Procedure Code in fact the police had contemporaneously taken a note of the complaint of the Respondent No.2 dated 27/11/2016 and had commenced their inquiry into the said complaint which ultimately culminated in the FIR being registered on 06/05/2018.

4 In view of the facts as aforesaid, we do not find any reason to interfere with the FIR that has been registered against the Applicants who are the accused. Hence no case for interference is made out. The above Criminal Application is accordingly dismissed.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

**Laxmikant
Gopal
Chandan**

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by Laxmikant
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