

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2868 OF 2017

Mr. Rajkumar S/o. Vijay Yadav & Ors.] ... Petitioners

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. A. M. Saraogi for Petitioners.

Mrs. S. V. Sonawane, APP for State.

Mr. Vijaykumar Ranjit Kuril, PI attached to Oshiwara Police Station,
present.

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

DATE :- 26 MARCH, 2018

P. C. :-

1. The above Writ Petition has been filed for quashing the complaint being no.37/SW of 2017 along with the order passed thereon on 16/06/2017 and also the the FIR which is registered on the basis of the said complaint. The said relief is founded on the fact that the complaint in question being no.37/SW of 2017 is founded on the same facts as the FIR being C.R.No.186 of 2011 registered on 30/03/2011 with the Oshiwara Police Station. The learned Counsel

for the Petitioners Mr. Saraogi would, by juxtaposing the allegations made in the FIR dated 30/03/2011 with the averments made in the complaint which is annexed to the writ paper-book at page 67, would endeavour to demonstrate that both the FIR and the said complaint are founded on the same set of facts.

2. We have, with the assistance of the learned Counsel for the Petitioners Mr. Saraogi and the learned APP Mrs. Sonawane, gone through the FIR No.186 of 2011 and the complaint in question. *Prima-facie*, we find that except for some minor differences, gravamen of the allegations in both the FIR and the complaint is in respect of the preparation of the Annexure-II by inclusion of persons who were ineligible as they did not have the necessary documents to support their eligibility. It was, therefore, the submission of the learned Counsel that this Court interdict and grant the relief sought vide prayer clause (a) during the course of hearing of the above Writ Petition. The learned APP Mrs. Sonawant, on the instructions of the Investigating Officer Mr. Vijaykumar Ranjit Kuril, PI attached to Oshiwara Police Station, states that an appropriate report would be filed before the Magistrate having regard to the fact that an earlier FIR

has already been registered. In view of the said statement made by the learned APP, the learned Counsel for the Petitioners Mr.Saraogi does not press the above Petition. The Petition is accordingly disposed of as not pressed.

3. Needless to state that it would be contingent upon the report that would be filed, that the Petitioners would have to decide the future course of action.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)