

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

WRIT PETITION NO. 3716 OF 2018

Abdul Rehman Motiwala

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr.Induprakash Tripathi /b C.K. Tripathi for petitioner.

Mrs. A.S. Pai, APP for State.

**CORAM : RANJIT MORE &
BHARATI HARISH DANGRE, JJ.
DATE : 12TH OCTOBER 2018**

P.C.

1 Heard the learned counsel for the petitioner Shri Tripathi and the learned APP for the State.

2 The Petition is filed seeking a direction to respondent No.2 to take the cognizance of the complaints dated 16th July 2018 and 18th July 2018 and give directions to respondent No.3 to register the F.I.R.

3 We have gone through the said complaints dated 16th July 2018 and 18th July 2018 which are annexed at Exh.'B' and Exh.'C' to the petition. The allegations made in these complaints are that at about 1:35 A.M., some 12 to 15 persons abused the petitioner and his family and damaged his car, viz., Toyota Corola Altis bearing No. MH-01 AV 4246. The record reveals that on the basis

of this incident, NC complaint was registered under sections 427 and 504 of the Indian Penal Code, 1860 (IPC) and FIR was not registered.

4 We do not find any error therein and the Police were justified in recording NC complaint as offence punishable under Section 427 of IPC is a non-cognizable offence. Be that as it may. FIR came to be registered on 15th July 2018 by Pydhonie Police Station against the seven persons for the offences punishable under Sections 324, 323, 434, 444, 504 read with Sections 147, 149 of the Indian Penal Code and Section 135 of Maharashtra Police Act on the complaint of Smt. Shamim Machhiwala. In this FIR, there is a reference about the damage to the car belonging to the petitioner and petitioner's statement has also been recorded. After completion of the investigation in this regard, the charge-sheet is filed before the appropriate Court.

5 In the light of the above facts, the petition is without any merits and deserves to be dismissed.

6 Petition dismissed.

(SMT.BHARATI H.DANGRE, J.)

(RANJIT MORE, J.)