

nsc.

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

CRIMINAL WRIT PETITION NO.4738 OF 2017

Rajesh Kumar

...Petitioner

Versus

The State and Anr.

...Respondents

Mr.Harihar Bhavé a/w Mr.H.G.Khambete, i/b Bhavé & Co., for the Petitioner.

Mr.K.V.Sasté, A.P.P for the Respondent-State.

Mr.H.G.Vijaykumar, Respondent No.2 present in person.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 27th JUNE, 2018

P.C. :

1. The Writ Jurisdiction of this Court is invoked for quashing of the FIR being C.R.No.262 of 2016, originally registered with the Kherwadi Police Station, Mumbai, (now transferred to Vakola Police Station, Mumbai), for the offences punishable under Sections 420, 465, 467, 471 and 34 of the Indian Penal Code.

2. The learned APP Mr.Saste states that the Petitioner is an absconding accused as he has not participated in the investigation. To extricate the Petitioner from the said situation, the learned counsel for the Petitioner Mr.Bhave would contend that the police could not have taken cognizance of the offence involving allegations as regards forgery of the Aadhaar Card and the Birth Certificate in view of the bar contained in Section 47 of the Aadhaar Act, 2017 and Section 23 of the Registration of Births and Deaths Act, 1969.

3. We are not in agreement with the submission of the learned counsel for the Petitioner having regard to the said provisions i.e. Section 47 of the Aadhaar Act, 2017 and Section 23 of the Registration of Births and Deaths Act, 1969. It is required to be noted that the offences alleged against the Petitioner are ones under Sections 420, 467 of the Indian Penal Code amongst other offences. Though they may relate to the Aadhaar Card and the Birth Certificate, the said offences are not covered by the provisions of the respective Acts.

4. In view of the fact that insofar as the FIR being C.R.No.262 of 2016 is concerned, the charge-sheet has already been filed, having regard to the nature of the allegations against the Petitioner, we, do not deem this a fit case to exercise our Writ Jurisdiction.

5. The Writ Petition is accordingly dismissed.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)