

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 212 OF 2019**

MANISH YOGESH CHADHA,
PRESENTLY AT CENTRAL JAIL AT COLVALE., **... Petitioner.**

Versus

THE STATE OF GOA,
AT THE INSTANCE OF PANAJI,
POLICE STATION, PANAJI., **... Respondent.**

Mr. Manish Y. Chadha, Petitioner in person.

Mr. S. R. Rivankar, Public Prosecutor for the Respondent.

**Coram:- M. S. SONAK &
C. V. BHADANG, JJ.**

Date:- 5th November, 2019

Oral Order: (Per M. S. Sonak, J.)

Heard Mr. Chadha, the Petitioner in person and Mr. Rivankar, learned Public Prosecutor for the State.

2. As is clear from the orders made earlier, Mr. Manish Chadha, has insisted that he argues this matter in person, even though, the services of Advocate under Legal Aid Scheme were offered to him.

3. Mr. Chadha who appears in person submits that the F.I.R No. 231/2017 dated 22.10.2017 is required to be quashed because he has

been been falsely roped into the matter. He submits that there is no evidence whatsoever, whether, oral or documentary in support of the allegations in the F.I.R. He submits that the car which was alleged to have been entrusted to him was recovered in Udupi from one Jatan Padamanabha. He submits that there is absolutely no material on record to link him with the recovery or with the said Jatan Padamanabha. He submits that F.I.R cannot be filed merely on the basis of suspicion and unless there is valid proof, the F.I.R cannot be sustained. For all these reasons he submits that the F.I.R requires to be quashed.

4. Mr. Chadha also made submission that the ingredients of offence under Section 406 of IPC are not made out. Upon further query from the Court, he submitted that by this he means that there is no proof in support of the allegations made against him in the F.I.R.

5. Mr. Rivankar, the learned Public Prosecutor submits that in this case, the trial is at an advance stage as witnesses have already been examined and Investigating Officer is in the witness box. He submits that even Jatan Padmanabha has been examined in the course of the trial. He submits that the ingredients of the offence for which the Petitioner is charged, have been clearly made out. For all these reasons, Mr. Rivankar states, that this is not a fit case for quashing of the F.I.R.

6. We have perused the material on record and also considered the rival contentions.

7. According to us, none of the contentions raised by the Petitioner warrant quashing the F.I.R. The issue as to whether there is any proof or legal evidence to sustain the charge against the Petitioner is an issue which is in fact being addressed in the course of the trial. On the alleged ground that there is no oral or documentary evidence to sustain the charge it is not possible to quash the F.I.R itself and that too, at a stage when the trial is at advance stage.

8. It is also pertinent to note that the Petitioner had objected to the very framing of the charge and these objections were dealt with but rejected by the Trial Judge. As against the same, the Petitioner instituted Criminal Revision Application No. 42 of 2019 which is also since been dismissed. The Petitioner has not taken the matter any further. This is an additional ground for declining the reliefs prayed for by the Petitioner in the present Petition.

9. The parameters for quashing of an F.I.R are quite limited. Since the Petitioner, has not made any case for quashing of the F.I.R, this Petition is required to be dismissed and is hereby dismissed.

C. V. BHADANG, J.

M. S. SONAK, J.

msr.