

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4443 OF 2018

Asghar Ali Shaikh.

..Petitioner.

Versus

Chief Minister [Also Home Minister]
and Others.

..Respondents.

Mr. Pradeep Havnur and Radhika Samant for the Petitioner.
Mr. f. R.Shaikh, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 18, 2019.**

P. C. :

1. The petition is filed seeking direction to Respondent Nos.1 and 2 to register an FIR on the basis of Petitioner's complaint dated 10th September 2018. In the said complaint, allegations are made by the Petitioner that police extorted an amount of Rs.5 lakh and paid to Yasmin Pinjari and her family members. In this regard, Bandra Police Station has recorded the statement of the Petitioner's father under section 161 of Code of Criminal Procedure, 1973.

2. Apparently, on the basis of this complaint of the Petitioner's father, Bandra Police Station has on 4th February 2019 registered an FIR bearing No.101 of 2019. Copy of the statement of Petitioner's father and copy of the FIR is placed on record. In that view of the matter, the grievance of the Petitioner as raised in the

petition would no more survive.

3. However, Mr. Havnur, the learned counsel for the Petitioner makes a grievance that since police has extorted the said amount, they (police) should have been made accused. We, however, find that this allegation is not reflected in the statement of the Petitioner's father. On the basis of statement made by the Petitioner's father, FIR is rightly registered for the offence punishable under sections 384, 452, 323, 504, 506 and 120B of the Indian Penal Code, 1860. Despite this, if the Petitioner has any grievance, he is at liberty to approach the police and give his additional statement under section 161 of the Code of Criminal Procedure, 1973. In the event, the Petitioner approaches Bandra Police Station, police shall record statement of the Petitioner.

4. Subject to above, the writ petition is accordingly disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]