

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.427 OF 2021

Angad S/o. Rambahu Jadhwar,]
 R/o. Om Sai Pant Krupa, Doctors]
 Colony, Gadhinglaj, District,]
 Kolhapur.] ... Petitioner

Versus

1. The State of Maharashtra]
 (Through Additional Chief]
 Secretary (Home), Mantralaya,]
 Mumbai – 400 032).]
2. Station House Officer, Police]
 Station Chandgarh, District]
 Kolhapur (Through Learned]
 Public Prosecutor, High Court of]
 Bombay.)]
3. Maruti S/o. Jainu Gavade,]
 R/o. Madwale, Tal. Chandgad,]
 Dist. Kolhapur, Maharashtra.] ... Respondents

...

Mr. Jayesh Mestry for the petitioner.

Mr. K.V. Saste, A.P.P. for respondent-State.

Mr. Shrikant Seegarla for respondent No.3.

A/JN

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**CORAM: S.S. SHINDE &
MANISH PITALE, JJ.**

DATED : 04TH FEBRUARY, 2021.

JUDGMENT :- [Per: Manish Pitale, J.]

1. Rule. Rule made returnable forthwith. With the consent of the rival parties, heard finally.
2. The petitioner has approached this court by filing the present writ petition with a prayer for quashing of FIR No.283 of 2020 dated 07/07/2020 for offences punishable under Sections 420 and 506 of the Indian Penal Code (“IPC”) registered with Chandgad Police Station, District Kolhapur.
3. A perusal of the aforesaid FIR would show that it has been registered at the behest of respondent No.3 (original complainant). The grievance of respondent No.3 is that a person named as an accused in the said FIR viz. Ganesh Mahadev Phatak had cheated respondent No.3 as he had taken a sum of Rs.40,000/- from him by claiming that he had contacts in respondent No.2-Police Station, on the basis of which, he would help removal of the name of his son from the FIR dated 11/11/2019 wherein the aforesaid son of respondent No.3 had

been named as an accused.

4. The aforesaid FIR dated 11/11/2019 was registered against the son of respondent No.3 and 5 others for allegedly having committed offences under Sections 397, 364(A), 323, 324, 504 and 506 of the IPC. According to respondent No.3, the aforesaid accused person - Ganesh Mahadev Phatak had taken a sum of Rs.40,000/- and yet, the name of the son of respondent No.3 was not removed from the FIR dated 11/11/2019 and instead, charge-sheet dated 24/02/2020 was filed against the aforesaid son of respondent No.3 along with other accused persons. On this basis, respondent No.3 has submitted a written complaint dated 07/07/2020, as a result of which, the subject FIR stood registered against Ganesh Mahadev Phatak.

5. It is an admitted position that the petitioner herein is not named as an accused in the said FIR dated 07/07/2020 registered at the behest of respondent No.3. Yet, the petitioner has approached this court for quashing of the said FIR on the basis of an apprehension that he is likely to be falsely implicated as an accused in the said FIR. The said apprehension is based on an assertion that respondent No.3 has an audio-clip in which the aforesaid accused i.e. Ganesh Mahadev Phatak demanded the said sum of Rs.40,000/- at the behest of the petitioner, who is a superior police officer.

AJN

6. Mr. Mestry, learned counsel appearing for the petitioner submitted that there is every likelihood of the petitioner being arraigned as an accused in the matter. It is further submitted that the petitioner has been suspended from service by order dated 20/10/2020 on the basis of the aforesaid allegations levelled against him. It is on this basis that the petitioner has approached this court for quashing of the FIR.

7. Mr. Saste, learned A.P.P. appearing for respondent-State submitted that the present petition is devoid of any merit because a perusal of the FIR would show that the petitioner is not even named as an accused and that there is no question of quashing of FIR, at this stage.

8. Mr. Seegarla, learned counsel appeared for respondent No.3.

9. We have perused the contents of the writ petition and we have also heard learned counsel appearing for the rival parties.

10. It is evident from the material on record that the present writ petition has been filed merely on an apprehension that the petitioner is likely to be arraigned as an accused in the aforesaid FIR. There is nothing to show that as of now the petitioner has

any reason to seek quashing of the FIR in which only the said Ganesh Mahadev Phatak has been named as an accused.

11. We are of the opinion that the present writ petition is wholly misconceived and it has been filed merely on an apprehension which is not borne out by any substantial material on record. Hence, we find that there is no merit in the present writ petition. Accordingly, rule is discharged.

12. The writ petition is dismissed.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)