

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

CRIMINAL APPLICATION NO.179 OF 2021

Savita Nirajsingh Raj
versus
The State of Maharashtra & Ors.

.... Applicant
.... Respondents
.....

- Mr. Atal Bihari Dubey, Advocate for Applicant.
- Mr. K. V. Saste, APP for the State/Respondent.

**CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, J.**

DATE : 15 NOVEMBER 2021

P.C. :

1. This is an Application filed u/s 482 of Cr.P.C. for quashing of the FIR bearing No.333/2020 registered on 3 October 2020 with Vartak Nagar police station, Thane u/s 452, 447, 323, 143 r/w 34 of the Indian Penal Code by the Respondent No.2/ Complainant.

2. The case of the informant is that the informant had purchased a residential flat where he was residing with his wife and children. On 2 October 2020, the officers of Vartak Nagar police station informed the informant that the Applicant has made complaint and took the complainant, his wife and daughter to the police station. It is the case of the informant that when the informant's wife and daughter returned to the flat at 11.15 p.m. they found that there were certain persons, including the Applicant inside

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the flat and the Applicant abused the informant's daughter and also assaulted her. This is the gist of the FIR which is sought to be quashed.

3. The contention of the Applicant is that the Applicant had also lodged an FIR bearing No.332/2020 at early morning on 3 October 2020 at the same police station at 02.06 a.m. and therefore the FIR under challenge is an concocted FIR. The learned counsel for the Applicant has sought to draw our attention to the FIR lodged by the Applicant and the communications issued to him.

4. The parameters of the exercise of the power under section 482 of Cr.P.C. to quash a First Information Report are limited. The Court is not expected to hold mini trial and quashing of an FIR is to be resorted in extra-ordinary circumstances. The FIR under challenge, does not state that the Applicant was present at the police station at the relevant time. Though there is reference to information given by the Applicant, the incident is of 11.15 p.m. and it is now the matter of evidence for which the Applicant to demonstrate his plea of alibi that he was present at the police station at the relevant time and we have to record a finding of fact to that effect. Such exercise is not possible nor warranted in the jurisdiction which we called upon to exercise. No case is made out for quashing of the FIR.

5. The application is rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)