

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1409 OF 2020

Imran Sohrab Chaudhary @

Ibran Khan

: Petitioner

versus

The State of Maharashtra and ors.

: Respondents.

Mr. Aniket Vagal for the Petitioner.

Mr. J P Yagnik, APP for the Respondent/State.

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

DATE : 12th JANUARY 2021

P.C.

1 Heard the learned counsel appearing for the Petitioner. He submits that if the contents of the impugned FIR are read in its entirety, it shows that the alleged offences have not been disclose. It is further submitted that at the relevant time of the alleged incident, the Petitioner was at some other place and he can prove it through the CCTV footage. It is submitted that though the enough proof is submitted to the Investigating Officer showing that at the relevant time the Petitioner was not at the place of the alleged incident, the concerned Investigating Officer is not paying attention to the said material. Therefore relying upon the pleadings in the Petition and the grounds taken therein, the learned counsel for the Petitioner submits that the impugned FIR may be quashed.

2 On the other hand, the learned APP appearing for the Respondent/State, relying upon the contents of the impugned FIR, would urge that the alleged offences are disclosed and therefore needs further investigation.

3 Upon hearing the learned counsel for the Petitioner and the learned APP for the Respondent/State, and upon perusal of the contents of the impugned FIR, it is crystal clear that an ingredient of alleged offences are attracted, and consequently the alleged offences are disclosed. The defence of the Petitioner, that he at was some other place at the relevant time of alleged incident, cannot be considered at this stage. We are of the prima facie opinion that from the contents of the impugned FIR the alleged offences are disclosed and needs further investigation. No case is made out for quashing the impugned FIR. The Writ Petition stands rejected.

4 Since the impugned FIR is registered in the year 2016, the concerned Investigating Officer is directed to expedite the investigation and take appropriate decision as expeditiously as possible.

5 The observations made herein above are prima facie in nature and confined to the adjudication of the present Writ Petition. The rejection of the Writ Petition shall not be construed as an impediment to avail of an

appropriate remedy in the event of filing of charge-sheet by the Investigating Officer.

[MANISH PITALE, J]

[S. S. SHINDE , J]