

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2179 OF 2021

Mr. John Fernandes & Ors.

...Petitioners

Versus

The State of Maharashtra

...Respondent

...

Mr. Gaurav Pandey for Petitioners.

Mr. J.P. Yagnik, APP for State.

...

CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.

DATE : 3rd SEPTEMBER, 2021.

P.C.:

1. Heard the learned counsel for petitioners and learned APP for State.

2. Learned counsel for the petitioners submits that even if the allegations in the FIR are read in its entirety, no offence is disclosed. He invites our attention to the annexures to the petition and submits that the photographs annexed to the petition would make it clear that the petitioners were not holding any weapon, on the contrary the complainant side was holding weapons in their hands.

3. Learned APP appearing for State invites attention of this Court to the order passed by this Court on 11th August, 2021, investigation papers and submits that the victim has suffered serious injuries and, therefore, at this stage, when there is a prayer for quashing the FIR, this Court may not enter into appreciation of evidence. On reading the allegations in the FIR, the alleged offences are disclosed, therefore, learned APP submits that the petition may be dismissed.

4. Upon perusal of the investigation papers, so also allegations in the FIR, we are of the opinion that the alleged offences are disclosed and need further investigation. No case is made out to quash the impugned FIR. Hence, the petition stands rejected.

5. The observations made herein above are prima facie in nature and confined to the adjudication of the present petition only.

6. Rejection of this petition shall not be construed as an impediment to the petitioners to avail of an appropriate remedy as available in law, in the event of filing of chargesheet by the investigating officer.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)