

Kanchan Dhuri

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 709 OF 2021

Prof. Ashim Deb ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

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Prof. Ashim Deb, *Petitioner-in-person.*

Ms. M.M. Deshmukh, *APP for the Respondent-State.*

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CORAM : M.S. SONAK &
N.R. BORKAR, JJ.

DATED : 15th September 2022

P.C. :

1. Heard Professor Ashim Deb who appears in person and Ms. M.M. Deshmukh, APP for the State.

2. By instituting this Petition under Articles 226 and 227 of the Constitution of India, the Petitioner had applied for the following two

substantive reliefs :

“(A) that this Hon’ble court be pleased to pass appropriate WRIT, ORDER and direction directing the quashing of chapter case Vide No.69 of 2020 registered under provision of 107 of Cr.PC registered by respondent no.3.

(B) that this Hon’ble Court be pleased to pass ORDER, DIRECTION directing to respondent no. 2 to handover the matter to senior most police officer or investigate by his own. To take lawful action against the culprits who barged in night hours in petitioner home and culprits those who barged in petitioner’s home in drunken state And want to kill petitioner.”

3. The learned APP has quite correctly pointed out that the relief in relation to the quashing of the chapter case is by now, rendered infructuous considering the chapter case instituted in the year 2020. She points out that such proceedings come to an end after six months and therefore, the relief in this regard is rendered infructuous.

4. Accordingly, prayer clause (a) of this Petition, stands worked out and so far as prayer clause (b) is concerned, apart from the vagueness, we think that we will not be able to go into such issues for the first time in the exercise of our extra ordinary jurisdiction. However, we grant the Petitioner, if he so inclined, to make a representation to Respondent No.2 setting out his complaint in detail. If such complaint is indeed made, we

request Respondent No.2 to look into the said complaint and dispose of the same in accordance with law as expeditiously as possible.

5. The Petitioner, now handed in a memorandum of written arguments. In the written arguments, he refers to yet another F.I.R. registered against him. He submits that this F.I.R. has some nexus with the chapter case that was initiated against him.

6. We explained to the Petitioner that in this Petition, he cannot take cognizance of freshly registered F.I.R. or the charge-sheet filed based thereon. However, we do hereby grant the Petitioner liberty to take out separate but appropriate proceedings to question such FIR or the charge-sheet filed in pursuance thereof. No doubt, the Petitioner, will have to take steps in accordance with law in this regard.

7. Accordingly, by granting liberty in aforesaid terms, we dispose of this Petition. There should be no order as to costs.

8. All concerned to act on the authenticated copy of this order.

(N.R. BORKAR, J)

(M.S. SONAK, J)