

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1812 OF 2022**

Sangita Atul Takle ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Shekhar Jagtap alongwith Ms. Sairuchita Chowdhary, Ms. Rhea Francis, Mr. Mayuresh Ingale and Mr. Shubham Gade instructed by J. Shekhar and Co. for the Petitioner.

Mrs. S.D. Shinde, APP for the State.

.....

**CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.**

DATED : 1 AUGUST 2022

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner has sought to quash the FIR bearing No. 47 of 2021 filed under Section 7, 7(a) and 12 of the Prevention of Corruption Act, 1988. An FIR was lodged stating that the Petitioner was working as an Encroachment Removal Officer is involved in the scam of allotment of a room in the slum rehabilitation scheme. The Complainant alleges that when he had gone to the office of the Mumbai Metropolitan Region Development Authority (MMRDA), Bandra, Mumbai, one Shahaji Joshi demanded Rs.1,50,000/- and that

part of the said amount demanded will be given the Petitioner, then only his work would be done. Pursuant to the Complaint, a trap was laid and during the trap, Shahaji Joshi took the Complainant to the office of the Petitioner wherein the discussion regarding allotment letter to be given to the Petitioner took place. This discussion was recorded on a voice recorder and pursuant to the transcript and the trap, the FIR came to be lodged. The statement appended to the FIR gives details of the discussion and the excerpts from transcript are narrated.

3. The learned Counsel for the Petitioner submitted that there is no direct role attributed to the Petitioner nor preliminary Enquiry, which is a safeguard has been conducted, in respect of the Petitioner. The learned APP opposed the Petition contending that investigation is still in progress.

4. Having perused the statements in the FIR, at several places in the transcript role is attributed to the Petitioner in respect of the demand and therefore, it cannot be said that FIR discloses no offence at all. As regards the argument of preliminary enquiry, this is a case where trap had been laid and the discussions have been audio recorded. The contentions of the Petitioner on the merits of the allegations in the FIR cannot be considered in the jurisdiction as invoked by the Petitioner.

5. The Writ Petition therefore cannot be entertained and accordingly rejected.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

Digitally signed
by KANCHAN
PRASHANT
DHURI
Date:
2022.08.05
14:09:31 +0530