

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 842 OF 2022

Sunil Laxman Lokhande

..PETITIONER

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. Nitin Bhavar Patil, Advocate for petitioner

Mr. M.M. Neralikar, A.P.P. for respondent no.1 – State

Mr. N.B. Narwade, Advocate for intervener

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 12th SEPTEMBER, 2023**

PER COURT :

1. Heard.

2. According to learned counsel for the petitioner, two F.I.Rs. have been lodged over one and the same incident. Initially, learned counsel for intervener and learned A.P.P. opposed this submission. We, however perused both the F.I.Rs., one lodged by 'X' (name withheld) and another by present Respondent No.2–Mitke, Dy.S.P. The F.I.R. lodged by Mr. Mitke is subsequent in point of time. Close reading of both the F.I.Rs. indicate that those have been over one and the same incident that took place at the residence of the informant - 'X'. The F.I.Rs. would further suggest that when the

petitioner had entered the house of the informant- 'X' and started committing crime, police authorities were informed. Police officials arrived at the residence of the informant - 'X'. During continuation of the very incident, present petitioner allegedly committed crime against Mr. Mitke, Dy. S.P., who has lodged the subsequent F.I.R. in relation to the incident allegedly committed by the petitioner against him. We reiterate that close reading of both the F.I.Rs. indicate that the same have been lodged over one and the same incident. Legal position is, therefore, clear that there can not be two F.I.Rs. over one and the same incident.

3. Much water has flown thereafter. Both the crimes have been investigated and two separate charge-sheets have been filed against the petitioner. Since both the charge-sheets have been filed over one and the same incident, we direct the trial Court that the subsequent charge-sheet filed pursuant to the F.I.R. lodged at the instance of Mr. Mitke, Dy.S.P. be merged with or made part of the police papers of the charge-sheet filed pursuant to the F.I.R. lodged by the informant - 'X'. The F.I.R. lodged by Mr. Mitke, Dy.S.P. be treated as statement under Section 161 of Code of Criminal Procedure in the previous charge-sheet. We further direct that a common charge shall be framed in respect of all the offences allegedly committed by the petitioner against the victim - 'X' and all those others, who were there during the course of the same transaction. As such, police papers of the

second charge-sheet would get merged taking colour of police papers/investigation of the crime registered pursuant to the F.I.R. lodged by the informant - 'X'.

4. With these observations, criminal writ petition stands disposed of.

SSD (SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)