

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4758 OF 2022

Pradeep Shekhar Shetty

...Petitioner

Versus

State of Maharashtra

...Respondent

Dr. Abhinav Chandrachud i/b. Mr. Rajesh Jaiswal for the Petitioner.

Ms. S. S. Kaushik, APP for the Petitioner.

Mr. Omkar Godbole, P. I. Nehru Nagar Police Station.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 14th JUNE 2023

P. C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks the following substantive reliefs :

(b) That in exercise of its writ jurisdiction vested by virtue of Article 226 of the Constitution of India, this Hon'ble Court may kindly be pleased to issue a Writ in the nature of

Mandamus or any other Writ as this Hon'ble Court deems fit and proper thereby directing Nehru Nagar Police Station (Respondent) to arrest the Accused.

(c) That in exercise of its writ jurisdiction vested by virtue of Article 226 of the Constitution of India, this Hon'ble Court may kindly be pleased to issue a Writ in the nature of Mandamus or any other Writ as this Hon'ble Court deems fit and proper thereby directing Nehru Nagar Police Station (Respondent) to add section 465, 467, 471, 34, 120 (B) of Indian Penal Code in FIR No. 443 of 2021 registered with Nehru Nagar Police Station.

(d) That in exercise of its writ jurisdiction vested by virtue of Article 226 of the Constitution of India, this Hon'ble Court may kindly be pleased to issue a Writ in the nature of Mandamus or any other Writ as this Hon'ble Court deems fit and proper thereby, directing Nehru Nagar Police Station (Respondent) to implead Ravi Dnyandev Waghmare and Rajesh Dnyandev Waghmare as co-accused in FIR No. 443 of 2021 registered with Nehru Nagar Police Station for offence punishable U/s. 420 of Indian Penal Code.

3. As far as prayer clause (d) is concerned, learned counsel does not press the said prayer and seeks liberty to file appropriate proceedings before the appropriate court with respect to the said prayer clause.

4. As far as prayer clauses (b) is concerned, learned APP has submitted a report dated 14th June 2023 of Mr. Omkar Godbole, P. I. Nehru Nagar Police Station, Mumbai. As per the said report, Dnyandev Yetala Waghmare has been arrested in the said C.R. on 26th April 2023. Learned APP has produced a copy of the arrest/court surrender form of Dnyandev Yetala Waghmare. In view of the same, nothing survives for further consideration in prayer clause (b).

5. As far as prayer clause (c) is concerned, initially, FIR was registered as against the accused for alleged offence punishable under section 420. However, it appears that subsequently police have added Sections 465, 467, 471, 34, 120 (B) of the Indian

Penal Code. In view of the same, nothing survives for further consideration even in prayer clause (c).

6. Having regard to the aforesaid, the petition stands disposed of with liberty as prayed. Needless to state, that all contentions of all parties on merits are kept open.

All concerned to act on an authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.