

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2488 OF 2023

Prakash Uddhav Khatavkar & Anr.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Rahul K. Dhaygude, for the Petitioners.

Smt. A. S. Pai, PP a/w J. P. Yagnik, APP for the Respondent/State.

**CORAM : NITIN W. SAMBRE &
R. N. LADDHA, JJ.**

DATE : 26th JULY, 2023

PC.

1. Heard.

2. The prayer is for quashing of FIR being Crime No.263 of 2023 punishable under Sections 380, 381 r/w 34 of the IPC.

3. The genesis of the offence alleged against the petitioner is, the petitioner is working as Motor Vehicle Inspector and is posted in the Regional Transport Office, Satara. Certain records from the office went missing which is co-related with the present petitioner which has resulted in respondent No.2 lodging complaint and the aforesaid offence came to be registered.

4. The contentions of counsel for the petitioner are, (a)

that the petitioner is falsely implicated in the offence in question in view of his differences with the senior officers; (b) the petitioner since has lodged various complaints against the senior officers, he is being falsely implicated in the offence; and (c) in case if the investigation is not stayed or the offence registered is not quashed, the petitioner is likely to suffer *qua* his posting might be transferred and departmental proceedings might be initiated against him.

5. Learned APP submits that investigation in the matter is at nascent stage and the provisions of Sections 380 and 381 of the IPC are invoked as public official records from the Regional Transport Office, Satara went missing. According to him, the necessary ingredients of the offence are satisfied and that being so, let the investigation be continued.

6. We have appreciated the aforesaid submissions.

7. The offence came to be registered pursuant to the complaint lodged on 27th March, 2023 by junior clerk of the office of State Regional Transport Office, Satara, where the petitioner is posted as Motor Vehicle Inspector.

8. It appears that certain official records as regards issuance of fitness certificate to the various vehicle owners went missing and since the petitioner has direct relation with the said record, his name is included as suspect in the FIR.

9. Rightly so pointed out by the learned APP that this Court should be slow in causing interference as the investigation is at nascent stage.

10. As the FIR discloses cognizable offence and the allegations are serious in nature viz. the official record of the office of RTO has went missing, it will be inappropriate, in our view for causing interference by quashing of FIR or staying the investigation at this stage. In that view of the matter, no case for quashing of FIR is made out.

11. The petition as such stands dismissed.

12. However, the petitioner shall be at liberty to approach afresh, in case if he is charge-sheeted.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]