

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

CRIMINAL WRIT PETITION NO. 4963 OF 2022

Rampal Tribhuvan Singh & Ors. ... Petitioners
Versus
State of Maharashtra & Ors. ... Respondents

None for the Petitioners.
Mr. K. V. Saste, APP for the Respondent No.1-State.

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

DATE : 25th JULY, 2023

P.C. :-

- . None appears for the Petitioners.
2. We have heard learned APP, who is assisted by the Investigating Officer and Senior Police Inspector of the D. B. Marg Police Station. The prayer in the petition is for quashing of FIR No. 326 of 2022 punishable under Sections 353, 341, 141, 142, 143, 147 of the Indian Penal Code.
3. One Mr. Sunny Jain, a Lawyer by profession, intends to visit Harish Chandan and the entry of said Lawyer was restricted in the society premises which has led to the Lawyer calling up Police head. The Police accordingly appears to have facilitate the entry of said Lawyer in the society premises, which act on the part of the Police authorities since was noticed by the society office bearers and the

guard on duty, the offence came to be registered.

4. The fact remains that the concerned Lawyer Mr. Jain was called in the society by Harish Chandan. Mr. Jain has claimed to called the Police on 3rd June 2022 whereas the statement of Harish Chandan, who has invited Mr. Jain to his place, is recorded after four days i.e. 7th June 2022. The delay in recording of statement is not at all explained and as such, the statement under Section 161 of the Cr.P.C. of the Harish Chandan appears to be by way of after thoughts so as to strengthen the case of the prosecution.

5. In this background, when confronted, the learned APP informs that the petitioners are already charge-sheeted.

6. None appeared for the petitioners on the last occasion i.e. 24th July 2023 so also today and neither the amendment is carried out thereby questioning the charge-sheet.

7. In view of above, petition is dismissed for want of prosecution.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]