

Neelam Lalchand Jethwani	...	Petitioner
Versus		
The State of Maharashtra and others	...	Respondents

PSI Samir Pawar, Borivali Police Station, Mumbai, present.

DATED : 19th DECEMBER 2023

3. Learned Advocate for Petitioner submitted that, the Petitioner had approached the police and demanded copy of FIR No.409 of 2023. Copy was not provided to Petitioner. The Petitioner lodged FIR No.410 of 2023 with same Police Station for offences under Sections 509, 323, 506 r/w. 34 of IPC. The Petitioner preferred application before the

Magistrate for seeking copy of FIR. Application was not entertained. Petitioner made representation dated 19th July 2023. The Petitioner was entitled for copy of FIR. Respondents have violated guidelines for furnishing copy of FIR, laid down in various decisions.

3. Learned APP submits that the Police Sub-Inspector attached to Borivali Police Station has filed Affidavit giving explanation for not submitting copy of the FIR.

4. In the Affidavit dated 11th September 2023 filed by Samir Chandrakant Pawar attached to Borivali Police Station, it is stated that the complainant approached Borivali Police Station and filed a complaint bearing C.R.No.409 of 2023 for the offence under Sections 509, 323, 506 r/w. 34 of IPC against the Petitioner and his sister on 8th July 2023. On the same day, statement of complainant was recorded at 17.30 hours. After completing the procedure the said complaint was uploaded on CCTNS on the same day at 18.32 hours. He tenders unconditional apology for not submitting the copy of FIR before the learned Metropolitan Magistrate, 26th Court, Borivali within stipulated time. There is no deliberate intention on his part not to submit copy of FIR. The copy of FIR was not produced/submitted before the learned Metropolitan Magistrate, 26th Court, Borivali on the same day as the FIR was recorded at 6.32 p.m. on 8th July 2023 and the next day i.e. 9th July 2023 being Sunday was holiday. There is delay of one day in forwarding the copy of FIR to the Court of learned Magistrate. On 10th July 2023, the copy of the FIR ought to have been forwarded to the Court. However, inadvertently the copy has remained to be forwarded to the learned Magistrate. There is no deliberate intention because delay in submitting the copy of the FIR. The Petitioner has submitted representation to

obtain copy of the FIR bearing No. 409 of 2023. There was cross complaint filed against each other, and mob of 10-15 persons had gathered at Police Station. Two parties residing in the same locality have filed number of FIRs against each other. The copy of FIR in which the Petitioner is informant was immediately given to her considering cross cases against both the parties against each other in order to avoid escalation of dispute, the copy of FIR lodged against the Petitioner was not immediately given to her. There was no intention to commit breach of the directions of the Hon'ble Supreme Court. He tenders unconditional apology and assure that such mistake shall not be repeated. On 19th July 2023, representation was submitted by the Maharashtra Law Associates to obtain copy of the FIR. The copy of FIR was ready but nobody visited the Police Station to collect the same. The offence is relating to women under Section 354, 509 of IPC, POCSO cases are not seen at CCTNS public portal and kept aside from the general public to protect the privacy of the female victim.

5. The Petitioner has contended that there are series of cases registered against each other with Respondent Police Station. The Petitioner has provided list of FIR's lodged by the Petitioner and her sister with Borivali Police Station. The list contains 17 FIR's registered at the instance of Petitioner and her sister. The Petitioner has also provided the list of FIR's lodged against the Petitioner and her sister and the list contains five cases including FIR No.409 of 2023. The FIR was registered by the Petitioner vide C.R. No.410 of 2023 against 15 persons.

6. We have perused the Affidavit filed by concerned officer and the explanation given by him as reproduced herein above. It does not appear that there was deliberate/intentional act on the part of officer in

not providing FIR immediately or forwarding it to Court. Considering the factual aspects of this case, reliefs prayed in this Petition are not granted.

ORDER

Writ Petition is rejected and disposed off.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)