

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2094 OF 2018

Pramod Kumar Surolia & Ors.

.....Petitioners

Vs.

The State Of Maharashtra & Ors.

.....Respondents

Mr. Sarfaraj Shaikh i/b. Devendra Shukla, Advocates for the Petitioners.
Mrs. A.A. Takalkar APP, for the Respondent-State.

CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.

DATE : 7th MARCH, 2024.

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P.C.:-

1) By the present Petition, Petitioners have prayed for following substantive reliefs:-

“(b) This Hon’ble Court be pleased to issue writ of certiorari or writ in the nature of certiorari or any other writ to quash and set aside F.I.R. bearing C.R. No.34/2018 registered with Marine Drive Police Station, Mumbai for offences punishable u/s.420,465,467,468,471 of the Indian Penal Code, 1860 and further be pleased to quash and set aside all the subsequent proceedings;

(c)

(d)

(e) That illegalities, irregularities and excesses committed by concerned Police Officers and role of Senior officials are necessary to be brought before this Hon. Court, therefore,

records of impugned (i) CR No.34/2018 at Marine Drive Police Station, (ii) CR No.34/2017 at Azad Maidan Police Station and (iii) CR No.18/2013 at Sakinaka Police Station may kindly be called;”

1.1) As far as prayer clause (b) is concerned, the learned APP on instructions of P.S.I. Shri N.V.Anbhule, attached to Marine Drive Police Station, Mumbai submitted that, after completion of investigation of present crime, police have filed charge-sheet in the 64th Metropolitan Magistrate, Esplanade, Mumbai on 26th December 2018 and same has been numbered as CC No.793/PW/2018.

1.2) In view thereof, the Petitioner is having alternate statutory remedy under the provisions of Cr.PC. before the trial Court.

1.3) By reserving the said remedy in favour of Petitioners, as far as prayer clause (b) is concerned, Petition is disposed off.

4) As far as prayer clause (e) is concerned, learned APP on instructions submitted that, after completion of investigation of C.R. No.34 of 2017 registered with Azad Maidan Police Station, police have submitted charge-sheet in the 64th Metropolitan Magistrate, Esplanade, Mumbai on 24th July 2018 and same was numbered as C.C. No. 418/PW/2018 and the sole accused in the said crime i.e. Petitioner No.1 herein is reported to be dead. Therefore the said case stood abated and trial Court has closed the proceedings against the said accused.

4.1) As far as C.R.No.18/2013 registered with Sakinaka Police

Station, Mumbai is concerned, the learned APP on instruction from P.S.I. Shri S.V. Jadhav, attached to Sakinaka Police Station, Mumbai submitted that, after completion of investigation of the said crime, police have filed charge-sheet in the Court of 66th Metropolitan Magistrate, Andheri, Mumbai and same has been numbered as C.C. No.917/PW/2014.

4.2) In view thereof, the Petitioner is having alternate remedy before the trial Court.

4.3) Therefore, as far as prayer clause (e) is concerned, by reserving the alternate remedy, Petition is disposed of in the aforesaid terms.

5) It be noted here that, as prayed in prayer clause (e), if the Petitioners are having any grievance against the police personnel in the said crimes, the Petitioners are at liberty to approach Police Complaints Authority established under section 22(p) of the Maharashtra Police Act.

6) Petition is disposed off in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)