

Shailaja

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

CRIMINAL WRIT PETITION NO.185 OF 2024

Shantikumar Ramrao Ovalekar and another	]	Petitioners
Vs.		
The State of Maharashtra and others	]	Respondents

a/w

**INTERIM APPLICATION [STAMP] NO.17081 OF 2024
IN
CRIMINAL WRIT PETITION NO.185 OF 2024**

Premji Arjan Boricha	]	Applicant
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IN THE MATTER BETWEEN:

Shantikumar Ramrao Ovalekar	]	
s/o Ramrao Sunder Ovalekar and another]		Petitioners
Vs.		
The State of Maharashtra and others	]	Respondents

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Mr. Ramakant Paranjape, for Petitioners.

Mr. V.B. Konde-Deshmukh, Addl. P.P, for Respondent – State.

Ms. Akshata Desai i/b Mr. Nitin Sejpal, for Applicant/Intervener in Interim Application (Stamp) No.17081 of 2024.

Mr. Deepak Dummalwad, Thane Nagar Police Station present.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 4th SEPTEMBER, 2024.

P.C:

1. Heard learned Counsel for the parties.
2. By this petition, the petitioners seek a direction to the Thane Nagar Police Station, Thane to register an F.I.R on the basis of the petitioners' complaint dated 2nd February, 2024.
3. Learned Addl. P.P, on instructions, informs us that after recording the petitioners' statement, an F.I.R has been registered by the Police on 24th June, 2024 for the alleged offences punishable under sections 341, 506 r/w 34 of the Indian Penal Code. He submits that subsequently i.e on 4th July, 2024, section 384 was also added.
4. Grievance of the learned Counsel for the petitioners is that the Police have not added some other sections like sections 448, 452, 454, 457 r/w 34 relating to trespass despite the complaint disclosing the same. Investigation is in progress and if the Police find that the said sections are made out, the Police to apply the said sections. Needless to state that, after investigation, the Police to file charge-sheet. In the event, the Police do not apply the said sections as

sought for by the learned Counsel for the petitioners, it is always open for the petitioners to file an appropriate application before the trial Court for addition of the said sections, if a case is so made out, during recording of the evidence. We make it clear that we have not gone into the merits i.e applicability of the sections, the addition of which is sought.

5. Petition is disposed of in the aforesaid terms, with the aforesaid observations.

6. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]