

Salgaonkar

MANDIRA MILIND
SALGAONKAR

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DN: cn=MANDIRA SALGAONKAR, o=

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4899 OF 2024

Dhanraj Shamrao Jadhav .. Petitioner

Versus

The State of Maharashtra .. Respondent

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Mr.Niranjan Mundargi with Mr.Veerdhawal Deshmukh i/b
Mr.Sarthak Shetty for the Petitioner.

Mr.S.R.Agarkar, A.P.P. for the State/Respondent.

PSI D.R.Tone attached to Wanawadi Police Station, Pune
present.

**CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 10th DECEMBER, 2025

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P.C:-

1. The Petition seek quashing of F.I.R. No.429 of 2024 registered with Wanwadi Police Station invoking the provisions of the Bharatiya Nyaya Sanhita (BNS) and also Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956.

Upon the completion of investigation in the subject C.R., charge-sheet is filed.

2. The learned counsel Mr.Mundargi representing the Petitioner, would refer to a CCTV footage at the spot, recording the incident and it is his submission that it falsifies the case of

the prosecution and is indicative that no such raid was ever conducted, and therefore, continuation of the proceedings against the Petitioner, pursuant to the registration of the subject F.I.R. is unwarranted and this Court shall exercise its power under Section 528 of BNSS for quashing of the proceedings.

It is also the submission of Mr.Mundargi that existence of the CCTV footage of the spot of incident is not disputed by the Respondents in their affidavit.

3. Admittedly, this CCTV footage on which the Petitioner seek to place reliance is not a part of the charge-sheet. What goes for trial is only the material contained in the charge-sheet. Though the existence of the recording in the NVR for the period between 17.21 p.m till 21.10 hrs. on 14/07/2024 is not categorically disputed in the affidavit, it is sought to be suggested that the spot panchnama was conducted and a cash and laptop near the cash counter came to be seized alongwith certain other contraceptive material which was packed, labeled and sealed and this constitute evidence in the subject C.R.

In any case, if at all the Petitioner is desirous of relying upon the footage in the NVR, it will be necessary for him to see that it forms a part of the charge-sheet and for this purpose, necessary steps will have to be taken for bringing it on record. In any case, at this stage, we cannot analyse the footage captured in the NVR and rely upon the same to falsify the material contained in the charge-sheet, as this will have to be appreciated at the time of trial.

4. In the wake of the above, we are not convinced to quash the F.I.R. on the said ground and since the charge-sheet is already filed and it comprises a material, which *prima facie*, constitutes the offence with which the Petitioner is charged, the Petition is dismissed.

Needless to state that if the Petitioner wants to take any appropriate steps to test the evidentiary value of the same before the trial, he is at liberty to take such appropriate steps as available in law.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)