

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

CRIMINAL WRIT PETITION NO.3377 OF 2025

Islam Ali Mumtaz Ali Chowdhri

.. Petitioner

Vs.

The State of Maharashtra,

Through Bhandup Police Station and Anr.

.. Respondents

Mr. Pankaj Pandey with Mr. Smit Nagda, Advocates for the Petitioner.

Mrs. M.M. Deshmukh, I/c. Public Prosecutor for Respondent No.1.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 3RD NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The petitioner is an accused in the FIR bearing CR No.108 of 2024 dated 23rd February 2024 registered by Bhandup Police Station, Mumbai under sections 420, 465, 471 and 34 of the Indian Penal Code 1860. A charge-sheet bearing no.542/PW/2024 is also filed before the learned 53rd Judicial Magistrate First Class, Mulund Court.

2. By this petition, the petitioner seeks quashing of the FIR as well as the charge-sheet filed in the matter. In the alternative, he has sought a direction for further investigation and for filing of a supplementary charge-sheet. The FIR was lodged at the instance of a police officer on the allegation that the petitioner had submitted a false birth certificate of his mother to the authorities in support of his passport application.

3. Mr. Pandey, learned counsel for the petitioner, submits that the petitioner had engaged services of the respondent no.2, a travel agent, to procure the birth certificate of his mother. The document provided by the respondent no.2 appeared to be genuine, and the petitioner accordingly submitted it to the authorities. During verification, however, the police found that the certificate pertained to another person. It is submitted that the petitioner has since obtained the correct birth certificate from his native place. Accordingly, Mr. Pandey pressed prayer clause (b), seeking a direction to the respondent no.1 to conduct further investigation, contending that the petitioner himself is a victim of the fraud committed by the respondent no.2.

4. We are unable to entertain such a prayer in these proceedings. The Supreme Court in *“Abhishek Singh v. Ajay Kumar”*, 2025 SCC OnLine SC 1313, has held that while considering a petition for quashing, the task of the High Court is confined to examining whether a prima facie offence is disclosed. It is not to assess the sufficiency or sustainability of the evidence or whether the charges may hold up in the Court. It is also well settled that disputed facts cannot be gone into while considering a petition under section 482 as held by the Hon’ble Supreme Court in *“Kamaladevi Agarwal v. State of W.B.”*, (2002) 1 SCC 555:

“7. This Court has consistently held that the revisional or inherent powers of quashing the proceedings at the initial stage should be exercised sparingly and only where the allegations made in the complaint or the FIR, even if taken at their face value and accepted in entirety, do not prima facie disclose the commission of an offence. Disputed and controversial facts cannot be made the basis for the exercise of the jurisdiction.”

5. In the present case, the petitioner admits that the birth certificate submitted by him was false and fabricated. He now seeks to impute the blame to the respondent no.2, who is alleged to have procured the document on his behalf. Prima facie, a plain reading of the FIR discloses the commission of an offence. The allegations cannot be said to be absurd or inherently improbable, particularly in view of the petitioner's own admission, at paragraph 8 of the petition, that he has subsequently obtained the correct birth certificate of his mother from his native place. The defence sought to be raised is a subject matter for trial. We also do not find that the proceedings have been maliciously instituted against the petitioner. It is further noted that a charge-sheet has already been filed. In the aforesaid circumstances, **Writ Petition No.3377 of 2025 is dismissed.**

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]