

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

Criminal Writ Petition No. 189 Of 2015.

SHRI GANESH @ HARISH VISHWAS CHAUDHARI & ORS.

VERSUS

THE STATE OF MAHARASHTRA & OTHERS.

Appearance =>

Mr. Bhokarika Madhav, Advocate for the Petitioners

Mr. VP. Kadam, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 9th MARCH, 2015.

Per Court :-

Heard Mr. M.M. Bhokarika, learned counsel for the Petitioners. The learned counsel for the petitioners submitted that, present petitioners are roped-in by Respondent No.2 on her own imagination, therefore, the proceedings pending against them be quashed. According to the learned counsel, initially, Respondent No.2 filed Criminal Application No.151/2014 before the learned Magistrate. The learned Magistrate referred said application under Section 156(3) of the Code of Criminal Procedure to the Police upon which, Crime No.96 Of 2014 is registered with Police Station, Sindhkheda, Dist. Dhule against the petitioners for the offences punishable under Section.s. 498A, 147, 148, 323, 352, 406, 504, 506 read with 34 of the Indian Penal Code.

[2] Perusal of the documents which are annexed alongwith the Writ Petition show that, the Investigating Officer after completion of the entire

investigation has filed challan before the learned Magistrate vide Charge-Sheet No.85/2014 on 16th September, 2014. The petitioners wish to quash this particular Charge-Sheet and the proceedings bearing Regular Criminal Case No.95 Of 2014 pending on the file of the Judicial Magistrate, First Class, Sindhkheda, Dist. Dhule.

[3] Since the Charge-Sheet is already filed, if according to the petitioners, there is no material against them, surely, it is for them to file an application for discharge, before the learned Magistrate. In that view of the matter, there is no merit in the present Writ Petition. Writ Petition is dismissed.

(V.M. DESHPANDE, J.)