

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 457 OF 2015

Tatyarao s/o. Swarooprao Chikhale**Petitioner.**

Versus

The State of Maharashtra & Anr.**Respondents.**

Mr. T.S. Chikhale, party in person, present.

Mr. S.B. Pulkundwar, APP for State.

Mr. J.R. Patil, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE &
SMT. I.K. JAIN, JJ.**

DATED : 7th April, 2015.

ORDER :

1. The petition is filed by party in person for relief of giving direction to Judicial Magistrate, First Class, Ambajogai to try the case against original accused Nos. 2 and 3 for the offence punishable under section 323 of Indian Penal Code (in RCC No. 59/2011). He is heard.

2. The record produced shows that in C.R. No. 121/2010 registered at Ambajogai Police Station, District Beed for the offences punishable under sections 498-A, 323, 34 etc. of I.P.C. chargeheet is filed by police. Original complainant is a daughter of present petitioner. In the said matter, Criminal Application No. 4362/2010 was filed in this Court by two accused from the crime

and Criminal Application No. 5143/2010 was filed by one more accused of the crime. The relief was claimed for quashing of the F.I.R. to their extent. This Court (learned Single Judge) by order dated 16.6.2011 allowed the criminal applications and quashed the F.I.R. In view of this order, the learned J.M.F.C. deleted these three accused from the case by the order dated 30.6.2011.

3. It can be said that the circumstance of filing of the case in the crime was not brought to the notice of this Court, but the F.I.R. came to be quashed. The F.I.R. was quashed and the learned Magistrate has rightly made further orders, though technically it was necessary to get the relief of quashing of the proceeding itself. In view of the nature of allegations, which are very vague, this Court had taken the aforesaid decision. The party in person argued that the order of this Court cannot be used by Magistrate and proceeding can go atleast for the offence punishable under section 323 of I.P.C. This submission is not acceptable. Thus, no merits are found in the proceeding.

4. In the result, the petition is dismissed.

[SMT. I.K. JAIN, J.]

[T.V. NALAWADE, J.]

ssc/