

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 4044 OF 2015

TANAJI S/O PANDHARINATH PISKE AND ORS
VERSUS
THE STATE OF MAHARASHTRA & ANR

...

Advocate for Applicants : Mr. Patil Hanmant V.
APP for Respondent/State : Mr. A.V. Deshmukh

...

CORAM : S.S. SHINDE & A. I. S. CHEEMA, JJ.

Dated: August 10, 2015

...

PER COURT :-

Heard the learned counsel appearing for the applicants. He submits that, the alleged incident was dated 17th May, 2015. In that respect, the Police intervened and same was compromised. Thereafter, belatedly again about the same incident, the complaint is filed on 27th May, 2015. Even if the material on record is considered in its entirety, no offences are disclosed against the applicants. It is stated that, the complainant was admitted for treatment on 22nd May, 2015, that itself indicate that, nothing happened with the complainant from 17th May, 2015 till 22nd May, 2015. According to the learned counsel appearing for the applicants, there is a dispute between the parties about the rented premises and same is pending before the Competent Court. In the said proceedings, injunction has

been granted restraining the complainant and her family from interfering in the peaceful possession of the rented premises. Therefore, according to the learned counsel appearing for the applicants the First Information Report deserves to be quashed.

2. On the other hand, the learned Additional Public Prosecutor appearing for the Respondent/State, on instructions, submits that, the charge-sheet is already filed. The prosecution agency has collected the sufficient material so as to try the case against the applicants, and therefore, this Court may reject the prayer of the applicants for quashing F.I.R..

3. We have heard the learned counsel appearing for the applicants and the learned Additional Public Prosecutor appearing for the Respondent/State. Perused the allegations in the First Information Report. Upon reading the allegations in the First Information Report including the allegations in the complaint given on 17th May, 2015, the offences are disclosed. Those are rightly investigated by the prosecution agency and the charge-sheet is filed. In our opinion, belated attempt of the applicants filing application for quashing F.I.R., cannot be countenanced, since the charge-sheet is filed. Leaving open remedy to the petitioners to file application for discharge this application stands rejected.

4. Needless to observe that, the observations made hereinbefore are prima facie in nature and same will not

come in the way of applicants and if the applicants wants to file the application for discharge, they can do so on or before 28th August, 2015.

(**A. I. S. CHEEMA, J.)**

(**S.S. SHINDE, J.)**

...

SGA/-