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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.482 OF 2015**

Mahadev Jaiwant Choudhary and ors.Applicants
versus
The State of Maharashtra and anr.Respondents

Mr. Nitesh Bhutekar, advocate for the applicants.
Mrs. P. H. Kantharia, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 29th JUNE, 2015.

P.C.:

Mr.Bhutekar, learned counsel for the applicants, at the outset, seeks leave to amend the prayer so as to provide correct criminal case number. Leave as prayed for, is granted. Necessary amendment be carried out forthwith.

2. The application is filed for quashing and setting-aside the charge-sheet filed in FIR No.86 of 2011 and proceedings under R.C.C.No.421 of 2011 pending on the file of JMFC at Daund, District.Pune. Quashing is sought solely on the ground that the police registered and investigated the crime on the basis of non-cognizable complaint. Learned counsel for the applicant relied upon the provision of Section 155 (2) of the Code of Criminal Procedure, 1973, and submitted that the Investigating Officer

conducted investigation without the permission of the Magistrate. We have perused the FIR as well as supplementary statement of the first informant. It is seen that the incident occurred on 7th May, 2011 at about 6.00 a.m. Both the FIR and supplementary statement referred above are given on the same day and the FIR is registered at 18.35 on the same day. The supplementary statement of the first informant thus discloses commission of an offence under Section 325 of the Indian Penal Code, which is a cognizable offence. In that view of the matter, we do not find any merit in the contention of the applicant. The application is devoid of any substance and the same is, accordingly, dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)