

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (APL) NO.50 OF 2015

Pankaj S/o Suresh Borkar and ors

..vs..

The State of Mah., thr P.S.O. PS Sonegaon, Nagpur and anr

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri A.S. Band, counsel for the Applicants.

Shri N.S. Khubalkar, APP for the State.

Mrs. K. Lavetra, Adv. H/f Shri V.H. Kedar, counsel for Non-applicant No.2.

**CORAM : A.B. CHAUDHARI &
P.N. DESHMUKH, JJ.**

DATE : APRIL 24, 2015.

Heard the learned counsel appearing for
the rival parties.

Following is the prayer in prayer Clause (a)
of the present criminal application, thus :

*“Quash F.I.R. registered for offences
punishable under Sections 498-A, 506
R/w 34 of I.P.C. at P.S. Sonegaon,
Nagpur vide C.R. No.208/2014 against
Applicants;”*

Learned counsel for the applicants fairly

.....2/-

states that the charge-sheet has been filed before the Competent Court. We find from the above prayer that only the F.I.R. is under challenge.

Learned counsel for the applicants submits that the other applicants than the husband have been unnecessarily dragged into the criminal offences when they have no role to play.

In view of filing of the charge-sheet, we think it will be appropriate for the applicants to take up other alternate remedies, as are permissible in law, before the Competent Court since it is not possible for us to evaluate the contentions made by learned counsel for both the parties merely on the basis of the F.I.R. when the charge-sheet has been filed. We, therefore, relegate the applicants to approach the Competent Court. That being so, we make the following order :

ORDER

- i) Criminal Application No.50 of 2015 is disposed of with liberty in favour of the applicants to apply for discharge, or as the case may be, before the Competent Court in view of filing of the charge-sheet.

ii) If such application is made by the applicants, the same shall be disposed of expeditiously by the trial Court.

JUDGE

JUDGE

!! BRW !!

...../-