

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

CRIMINAL APPLICATION (APL) NO.529/2014

Nitin Dnyaneshwar Gulhane ..vs.. State of Maharashtra through PSO P. S. Wadgaon
Road, Yavatmal and anr.

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

Court's or Judge's orders.

Mr. A. V. Bhide, Advocate for applicant.
Ms T. Udeshi, A.P.P. for non applicant-State.

CORAM: A. B. CHAUDHARI & P. N. DESHMUKH JJ.
DATE :JANUARY 21, 2015

Mr. Bhide, learned counsel for the applicant, prayed for quashing of the FIR lodged against the applicant. The contention raised by Mr. Bhide, learned counsel for the applicant, is that the FIR was lodged by the applicant because he was assaulted by the assailants including non applicant no.2 and had suffered grievous hurt. He submits that non applicant no.2 lodged report on the next day by way of counter blast and, therefore, powers under section 482 of the Cr. P. C. are liable to be exercised.

Per contra, Ms Udeshi, learned A.P.P. submits that on the report of both the parties, offence have been registered against them and, after investigation, chargesheet will be filed in both the cases. She further submits that both the parties are injured persons and there are medical reports to that effect.

Upon hearing learned counsel for the rival parties, we find it difficult to analyse and come to the conclusion as to whether the applicant is right or non applicant no.2 is right. That being so, the only remedy for the applicant is to approach the trial Court after chargesheet is filed, either for discharge or take such other remedy as is available in law. Hence, we pass the following order.

ORDER

(i) Criminal Application No. 529/2014 is disposed of reserving liberty in favour of the applicant to take such other steps as are available in law.

JUDGE

JUDGE