

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1026 OF 2016

- 1) Pawankumar s/o Ramanujdas Parikh,
- 2) Ramanujdas s/o Shriwallabh Parikh,
- 3) Sarla w/o Ramanujdas Parikh,
- 4) Brijmohan s/o Ramanujdas Parikh,
- 5) Neha w/o Brijmohan Parikh,
- 6) Jaishree w/o Subodh Tripathi

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
- 2) Trupti Vishwanath Parikh

...RESPONDENTS

...

Mr.Dhananjay A. Naik Advocate for Petitioners.
Mr.B.V. Virdhe, A.P.P. for Respondent No.1.
Ms. Trupti Vishwanath Parikh present in person.

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CORAM: S.S. SHINDE AND
K.K. SONAWANE, JJ.

DATE : 17TH NOVEMBER 2016

ORDER :

. Heard learned counsel appearing for the Petitioners, learned A.P.P. appearing for State and also Respondent No.2 appearing in person.

2. Though there is a procedure prescribed for allowing the party-in-person to appear before the Court, however in the peculiar facts of this case, as Respondent No.2 has travelled from Gwalior, Madhya Pradesh, we do not think it necessary that she should be referred to the committee of the Registrar for finding out the suitability whether she can assist the Court. In our opinion, Respondent No.2 can be allowed to appear as party-in-person and make submissions. Accordingly, Respondent No.2 has made her submissions.

3. We have perused the allegations in the F.I.R. In this Writ Petition on 8th September

2016, we have issued notices to the Respondents which were made returnable on 15th October 2016. By way of ad-interim relief, it was ordered that in case charge-sheet is not yet filed, the same should not be filed till the next date of hearing. However, the learned A.P.P. informs this Court that charge-sheet was already filed on 30th August 2016, before granting ad-interim relief.

4. Since this Petition takes exception to the F.I.R. and this Court has no access to look into the statements of the witnesses, it would not be appropriate to quash the F.I.R. in view of the fact that charge-sheet is already filed. For the reasons aforesaid, we are not inclined to entertain this Petition. Hence the Writ Petition stands rejected in view of filing of the charge-sheet.

5. However, we make it clear that rejection of this Petition cannot be construed as an

impediment in case the Petitioners want to avail the appropriate remedy as available in law, before the concerned Court wherein the charge-sheet is filed.

[K.K. SONAWANE, J.]

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[S.S. SHINDE, J.]