

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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CRIMINAL WRIT PETITION NO. 1127 OF 2015

VITTHAL S/O ASARAM SULANE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for petitioners : Mr. K.D. Jadhav
APP for Respondent/State: Mr. S.G. Karlekar

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CORAM: S.S.SHINDE & K.K.SONAWANE, JJ.
Dated: November 28, 2016

...
In spite of service, none appears for respondent no.3. The petitioners have served respondent no.3 by private notice and to that effect the affidavit of service is filed.

2. The learned counsel appearing for the petitioners submits that though the alleged incident had taken place on 27th June, 2015, the F.I.R. was lodged on 5th July, 2015. That itself loses the gravity of the allegations in the F.I.R. It is submitted that the petitioner is the

owner of the land, which is mentioned in the F.I.R. He further submits that the petitioner was apprehending filing of the F.I.R. making false allegations, and therefore, he did lodge two complaints against the informant and others. He further invited our attention to the various documents, so as to demonstrate that, the allegations in the F.I.R. are not true and the same are made so as to take revenge, which are motivated and arising out of the frustration of the informant from the civil litigation. Therefore, he submits that, the F.I.R. needs to be quashed and set aside.

3. The learned A.P.P. appearing for the Respondent/State, relying upon the allegations in the F.I.R. submits that, the allegations in the F.I.R. disclose prima facie commission of offences, and therefore, this Court may not entertain the prayer for quashing of F.I.R.

4. We have carefully considered the submissions advanced by the learned counsel appearing for the petitioner and the learned A.P.P. appearing for the Respondent/State. We have carefully perused the allegations in the F.I.R.

Upon reading the allegations in the F.I.R. in its entirety, prima facie, the alleged offences have been disclosed. The contention of the learned counsel appearing for the petitioner that, there is delay in lodging F.I.R. and also the petitioner has also lodged two complaints, that itself would not be a ground to quash the F.I.R.

5. For the reasons aforestated, we are not inclined to entertain the Petition for quashing the F.I.R. Hence the Petition stands rejected. We make it clear that, the observations made hereinbefore are restricted only for adjudication of the present Criminal Writ Petition. We further clarify that rejection of this Petition cannot be construed as an impediment to the petitioner for taking out appropriate proceedings for quashing of the charge-sheet in the event of filing charge-sheet by the Investigating Officer or application for discharge, as the case may be.

(K.K.SONAWANE, J)

(S.S. SHINDE, J)