

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1239 OF 2016

Vijay Rajendra Yadav & anr. ... Petitioners

V/s.

State of Maharashtra ... Respondents

Mr. Victor Chettiar for the petitioners.
Mr. K.V. Saste, APP for the State.

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

2nd April, 2016.

P.C.

Heard learned Counsel for the parties.

2. The petitioner seeks quashing of proceedings initiated consequent to registration of FIR for an offence punishable under Sections 376, 313 and 34. Learned Counsel has referred to order passed by the Single Judge of this Court in Criminal Bail Application No. 2454/2015 dated 19th January, 2016. The Court had observed in paragraph-10 of the order as under:

“10. Issue notice to prosecutrix and her mother Bhimabai Hulli as to why they should not be prosecuted for offence punishable under Section 192 and 195 of the Indian Penal Code. Learned Counsel Ms. Crasto waives notice for the prosecutrix and her mother Bhimabai Hulli. The mother of the prosecutrix shall file her reply to the notice within two weeks.”

3. We have perused the record and the order passed by the learned Single Judge. Merely on the basis of notices issued by learned Single Judge, proceedings of this nature cannot be quashed. All issues on merits are kept open.

4. We have perused the affidavit filed by the prosecutrix Sujata Shanappa Hulli. On the basis of said affidavit, it would not be appropriate to quash the entire proceedings. Petitioner may resort to appropriate alternate remedy as permissible in law. With aforesaid observations, petition is disposed of.

(A.M. BADAR, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.