

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4075 OF 2014

Mr.Vivek Rambhaji Dahiphale

...Petitioner

v/s.

State of Maharashtra and ors.

...Respondents

Mr.Prashant Pandey i/b Mr.Kishor L.Gaikwad for the Petitioner.

Ms.M.H.Mhatre, APP for the Respondents Nos. 1 & 2.

...
CORAM : A.S.OKA &
A.A. SAYED, JJ.

DATED : 19 OCTOBER 2016

P.C.:

Heard the learned Counsel appearing for the Petitioner. Perused the report submitted by the Registry in terms of the order dated 4 October 2016. The concerned members of the Registry have accepted lapse on their part and have tendered apology. By accepting the apology, the matter will have to be treated as closed. No further action against the members of the staff is warranted.

2. On 25 July 2016, a Division Bench of this Court passed the following order:

“Investigating agency to file final report within four weeks from today. In case the report goes adverse to the petitioner, then the petitioner may amend the petition. Leave to amend.”

On 22 August 2016, extension of time was granted to the learned Counsel appearing for the Petitioner to carry out amendments. The time

was further extended under the order dated 14 September 2016. In stead of carrying out amendments in terms of the said order, the learned Counsel appearing for the Petitioner filed a fresh petition, which was tagged alongwith this Petition. Therefore, on the last date, by way of indulgence, we permitted the Petitioner to tender across the bar a draft of the proposed amendments. Today, the learned Counsel appearing for the Petitioner tenders a draft of the proposed amendments. The draft is not in proper format. However, the learned Counsel appearing for the Petitioner insisted that the draft is correct.

3. In this Petition, the prayer is only for quashing the First Information Report. The Petitioner admitted that now a charge sheet has been filed. As the charge sheet has been filed, we decline to entertain this Petition for quashing the First Information Report. We grant liberty to the Petitioner to adopt appropriate remedy. We make it clear that if the Petitioner files a fresh Writ Petition or an Application under section 482 of the Code of Criminal Procedure, 1973 for quashing the charge sheet, the question whether the same can be entertained by this Court is kept open in view of availability of remedy. All contentions on merits are kept open.

(A.A. SAYED, J.)

(A.S.OKA, J.)