

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

Criminal Application (APL) No. 110/2016

(Pratik Pawan Borele and another .vs. State of Maharashtra and another)

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

Court's or Judge's orders.

Mr. M.V. Samarth, Advocate for Applicants.
 Mr. J.Y. Ghurde, APP for Respondent No.1.
 Mr. A.P.Kalmegh, Advocate for Respondent No.2.

CORAM : B.R. Gavai & Mrs. Swapna S. Joshi, JJ.

DATED : April 27, 2016.

The petitioner has approached this court praying for quashing and setting aside the first information report No.225 of 2014 dated 28.06.2014.

2. It is the contention of the petitioner that there is absolutely no material against the applicants and as such the continuance of the present proceedings is nothing but an abuse of process of law.

3. In the affidavit filed on behalf of the State, it is stated that the cause of death given in the post mortem report is strangulation. Not only that but an opinion as given by the Department of Forensic and Toxicology at Shri Vasantrao Naik Government Medical College, Yavatmal is "taking into consideration the autopsy findings the manner of causation of injury is "HOMICIDAL" unless proof otherwise". In addition to that, the learned APP has stated that the charge-sheet is ready and will be filed within a period of two weeks.

4. In that view of the matter, we find that if the prayer as made in the writ petition is granted, it will

amount to forestalling the investigation and the filing of the charge-sheet wherein *prima facie* the investigating agency has found the cause of death to be homicidal. The application is, therefore, rejected.

JUDGE

JUDGE

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