

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1781 OF 2017

Tulshiram Vaijnath Motipawale and ors. ...APPLICANTS

versus

The State of Maharashtra and anr. ...RESPONDENTS

.....
Mr. B.M. Dhanure, Advocate for Applicant
Mr. D.R. Kale, APP for Respondent state

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

DATED : 11th APRIL, 2017.

Order :-

1. Heard.
2. The learned counsel appearing for the applicants. He submits that on same set of allegations police initiated chapter proceedings on the basis of information given by the informant on 06-02-2017. He submits that once chapter case is initiated on same set of allegation, the FIR cannot be initiated impugned in this petition. He further submits that once NC is registered, it is domain of the Judicial Magistrate First Class and the police cannot register the First Information Report(for short "FIR"). Therefore, relying on the pleadings in the application, grounds taken therein and annexures thereto the learned counsel appearing for the

applicants prays that the impugned FIR deserves to be quashed and set aside.

3. We have heard the learned counsel appearing for the parties. We have carefully perused the allegations in the FIR. An allegations in the FIR clearly disclosed the cognizable offence. Merely because the chapter proceedings were initiated or non-cognizable case is registered, is not the ground to refuse the registration of FIR, when cognizable offences are disclosed.

4. In that view of the matter, we do not find substance in the application, hence application stands rejected. Needless to observe that the observations made herein before are *prima facie* in nature and confined for the purpose of adjudication of this application only.

[K. K. SONAWANE, J.]

[S.S. SHINDE, J.]

MTK