

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2434 OF 2017

- 1) Shri Madhukar s/o Pandharinath Thombre,
- 2) Shri Umesh s/o Madhukar Thombre

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Jayshree w/o Sahebrao Dhaigude

...RESPONDENTS

...

Mr.B.V. Thombre Advocate for Applicants.
Mr.K.N. Lokhande, A.P.P. for Respondent No.1.
Mr.V.M. Chate Advocate for Respondent No.2.

...

**CORAM: S.S. SHINDE AND
A.M. DHAVAL, JJ.**

DATE : 24TH AUGUST, 2017

ORDER :

1. At the outset, learned counsel appearing for Respondent No.2 has tendered across the Bar,

an affidavit-in-reply filed on behalf of Respondent No.2. The same is taken on record.

2. Heard learned counsel appearing for the Applicants, learned A.P.P. appearing for the State and learned counsel appearing for Respondent No.2.

3. We have carefully perused the allegations in the First Information Report. The ingredients of the alleged offences have been attracted and consequently alleged offences have been disclosed. On the basis of the investigation, Investigating Officer has already filed the charge-sheet. The Applicants have taken exception to the First Information Report in the present Application. The contention of the counsel appearing for the Applicants that in advance the Applicants communicated to the concerned Authorities that Respondent No.2 is likely to file false complaint against the Applicants, cannot be considered while considering the prayer for quashing the First Information Report.

4. In the light of observations made herein above, we are not inclined to entertain this Application. Hence the Application stands rejected.

5. We make it clear that the observations made herein above are prima facie in nature and confined to the adjudication of this Application only.

[A.M. DHAVALA, J.]

asb/AUG17

[S.S. SHINDE, J.]