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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.609 OF 2015**

Rohit Sushan	... Petitioner
Vs.	
State of Maharashtra	... Respondent

Mr. Aniket Gawand i/by Mr. Sushan Kunjureman for the Petitioner.
Mr. K.V. Saste, APP for the Respondent – State.

CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.

DATE : 12th JANUARY, 2017

PC.

1 The learned APP states that charge sheet has been filed against the petitioner on 19th March, 2016. We accept the said statement. Prayer for quashing the First Information Report registered under Section 379 read with Section 34 of the Indian Penal Code is pressed only on the ground of alleged settlement between the petitioner and the first informant. We have perused the consent affidavit of the first respondent in which he has purported to state that due to some misunderstanding and mis-identity that he has named the present petitioner in the FIR. We have perused the FIR. Firstly, the petitioner is not named in the FIR. The case made out by the first informant is that according to him two persons who are named in the FIR and their two friends may have committed the offence.

2 After charge sheet is filed, it is not for the first informant to tell the Court that the person named in the charge sheet is not the accused. That is no ground for quashing the FIR. At highest he can make a grievance about the manner in which investigation is carried out by adopting proceedings in accordance with law. Accordingly, we decline to entertain this Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure Code, 1973. The Petition is accordingly disposed of. We make it clear that we have made no adjudication on merits of the charge sheet. It is always open for the petitioner to adopt appropriate remedy as regards the charge sheet.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)