

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1191 OF 2012

Dr. Prabhu Sevaji Rathod and Another. ..Petitioners.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. I. K. Tripathi and Bhgyashree Gavas i/b C. K. Tripathi for the
Petitioner.

Mr. Yogendra Rajgor i/b Satish Dedhia for Respondent No. 2.

Mr. A. R. Kapadnis, APP for the State.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.

Date : **October 13, 2017.**

P. C. :

1. The petition is filed for quashing and setting aside the proceedings of criminal case bearing CC. No.31/SW/2012 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai. It appears that after filing of the charge-sheet, the FIR is registered by Kandivali Police Station against the Petitioners and others for the offence punishable under sections 203, 406, 420, 465, 467, 468, 471, 474, 504 and 506 read with 34 of the Indian Penal Code, 1860.

2. By the order dated 18th October 2012, this Court issued directions thereby directing the investigating agency not to file charge-sheet till further orders. The learned APP, on instructions, makes a

statement that now the investigation is over and the Investigating Officer of the subject crime is ready with the charge-sheet. He submits that interim direction not to file charge-sheet may be vacated so as to enable the Investigating Officer to file charge-sheet before the concerned Magistrate.

3. Since charge-sheet is ready, we are not inclined to entertain this writ petition inasmuch as the Petitioner has an alternate and efficacious remedy to apply for discharge. In that view of the matter, writ petition is dismissed. Interim relief is vacated. The Petitioner is however at liberty to apply for discharge after filing of the charge-sheet. All points and contentions of the respective parties are kept open.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]