

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2227 OF 2016

Dr. Tushar Pitambar Gade & Anr. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr. Viresh V. Purwant for the Petitioners.

Mr. K.V. Saste, APP for the Respondent No.1-State.

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

DATED: 7th MARCH, 2017.

P.C.:-

The prayer for quashing the First Information Report registered at the instance of the second Respondent for various offences including offence under section 420 read with 34 of the Indian Penal Code as well as section 33 of the Maharashtra Medical Practitioners Act, 1961 is on the ground that on the basis of the same allegations a private complaint has been filed by the second Respondent.

2. We have perused the copy of the private complaint. If what is contended by the Petitioner is correct, the learned Magistrate is Bound to follow procedure provided in section 210 of the Code of

Criminal Procedure, 1973. Filing of subsequent complaint is no ground to quash the impugned First Information Report. Hence, subject to what is observed above, we decline to entertain this Petition and the same is disposed of. We, however, make It clear that no adjudication is made on the controversy or the merits.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)