

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

CRIMINAL APPLICATION NO.992 OF 2016

Wasim Ibrahim Qureshi & Anr. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

...

Mr. Manoj Harit i/b. M/s. Manoj Harit & Co. for the Applicants.

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

Mr. R.V. Govilkar for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 3rd NOVEMBER, 2017.

P.C.:-

Heard Mr. Manoj Harit, the learned counsel for the Applicants, Mr. K.V. Saste, APP for the Respondent No.1-State and Mr. R.V. Govilkar, for the Respondent No.2.

2. The Petition is filed for quashing and setting aside the FIR bearing No.292 of 2016 registered at the instance of the Respondent No.2 at L.T. Marg Police Station for offences punishable under Sections 193, 419, 420, 465, 468 and 471 r/w. 34 of the IPC.

3. Admittedly the offence under Section 193 is alleged to have been committed in relation to the proceedings of the Appellate Bench of the Small Causes Court. Section 195 of the Cr.P.C. bars cognizance of such offence except on the complaint in writing of that Court or by such officer of the Court as the Court may authorise or some other court to which that is subordinate. Section 340 of Cr.P.C. prescribes procedure in cases mentioned in Section 195 of Cr.P.C. In the instant case, the procedure under Section 340 of Cr.P.C. has not been followed. Hence, the FIR is quashed. We direct the Appellate Court to initiate proceedings against the persons alleged to have committed the offence, keeping in mind the provisions of Sections 195 and 340 of Cr.P.C.

4. The Application is disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)