

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 131 OF 2018**

Krupesh Patil

..Applicant

Vs.

State of Maharashtra & Anr

..Respondents

Mr. Abhishek Yende for the Applicant

Mrs. A. S. Pai Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 6th JUNE, 2018**

P.C.

1 The quashing of the FIR being C. R. No.I-326/2017 registered with the Valiv Police Station is sought on the ground that there is absolutely no material against the Applicant for him to be arraigned as an accused. In support of the said contention the Applicant seeks to rely upon the complaint dated 31-8-2015 which was addressed to the Police Inspector, Valiv Police Station by the Applicant calling upon the police to register an FIR against the persons named therein. In the said complaint the name of the Applicant does not appear and the allegations have been made against the other accused persons. The Learned Counsel for the Applicant also draws our attention to the FIR and the statement of the witness Roshni Padvale wherein the only allegation against the Applicant according to the Learned Counsel is that the Applicant along with other accused persons named in the penultimate paragraph of the FIR and the statement of the witness, has abused the first

informant. The Learned Counsel appearing for the Applicant would seek to contend that this court is required to exercise its jurisdiction under Section 482 in view of the fact that the Applicant would not be in a position to point out the discrepancy in the case as set out in the complaint dated 31-8-2015 wherein the Applicant's name does not appear and the statement of fact as appearing in the FIR as the said complaint is not part of the charge sheet.

2 Upon this the Learned Addl PP would draw our attention to the charge sheet which has been annexed to the above Petition and especially page 186 of the above Petition wherein the complaint dated 31-8-2015 is appearing and which is part of the charge sheet.

3 In view thereof, it is not necessary for us to entertain the above Application. It would be open for the Applicant to invoke the remedy by way of discharge before the Trial Court. If any such application is filed by the Applicant, needless to state that the same would be heard and decided on its own merits and in accordance with law and also expeditiously.

4 With the observations as aforesaid, the above Criminal Application is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]