

nsc.

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

***CRIMINAL APPLICATION NO.359 OF 2017
WITH
CRIMINAL APPLICATION NO.358 OF 2017***

Kavita Vilas Upadhye and Anr. ...Applicants
Versus
State of Maharashtra and Anr. ...Respondents

Mr.Sangharsh Waghmare i/b Mr.R.P.Jadhav, for the Applicants.

Mr.K.V.Saste, A.P.P for the Respondent-State.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 2nd AUGUST, 2018

P.C. :

1. The above Criminal Applications have been filed for quashing of the FIR being No.59 of 2016 (subject matter of Criminal Application No.358 of 2017) and FIR being No.58 of 2016 (subject matter of Criminal Application No.359 of 2017).

2. It seems that the Applicants in the above Criminal Applications have also registered an FIR being No.57 of 2016 against the First

Informants of the aforesaid two FIRs. The FIRs are therefore in the nature of cross complaints arising out of the incident which took place on 29th February, 2016 in the building in question, which is owned by the Applicant No.2 herein. Hence, there are two versions of the incident which took place on 29th February, 2016. It is therefore not possible for this Court in its jurisdiction under Section 482 of the Code of Criminal Procedure to go into the factual aspects at this stage, and record a finding one way or the other.

3. The above Criminal Applications are accordingly dismissed.

4. It would be open for the Applicants to avail of the statutory remedy available under the Code of Criminal Procedure.

5. Needless to state that if any application for discharge is filed, the same would be considered on its own merits and in accordance with law.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)