

Sequeira

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

WRIT PETITION No. 1565 of 2016

Jayesh Naresh Khedekar

... Petitioner

Vs

State of Maharashtra and another

... Respondents

Mr.Nihal Mansuri i/b Aashish Satpute, for the Petitioner.

Mr.K.V.Saste, APP, for Respondent-State.

***CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.***

Date : 19th December, 2018.

P.C. :

Prayer is to quash and set aside First Information Report dated 10 July 2015. FIR is under Section 376 and 420 of the Indian Penal Code. On 4 September 2017 this Court has issued notice. No interim order has been granted.

2. Learned APP points out that charge-sheet in the matter was already filed on 11 August 2015 i.e. even before filing of present proceedings in High Court. He also points out that there is no express prayer for quashing that charge-sheet and charge-sheet as such is also not part of Petition.

3. Learned APP is relying upon statement of prosecutrix under Section 164 of Code of Criminal Procedure.

4. In this situation, we are not inclined to go into merits of the matter. Petitioner has remedy of seeking discharge hence with that liberty to Petitioner and keeping all contentions open we dispose of present matter.

(Sarang V.Kotwal, J.)

(B.P.Dharmadhikari, J.)