

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

CRIMINAL APPLICATION NO.489 OF 2018

Mr. Ashok Kumar Tirthraj Dubey : Applicant.
Versus
The State of Maharashtra : Respondent.

Mr. U P Warunjikar for the Applicant.
Mrs. A S Pai, Addl. PP a/w Mr. K V Saste, Addl. PP for the State.

**CORAM : R. M. SAVANT &
PRAKASH D. NAIK, JJ.**
DATE : 26th JUNE 2018

P.C.

1 The above Criminal Application has been filed for quashing and setting aside of the FIR being C.R. No.271 of 2018 registered with Waliv Police Station on 01/04/2018 for the offences punishable under Sections 384, 386, 387, 448 and 34 of the Indian Penal Code.

2 The gravamen of the allegations against the Applicant is the threat given by showing the gun fastened at his waist and making the demand of the sum of Rs.Twenty lakhs by the Applicant for not lodging a complaint against the alleged unauthorized construction of the first informant.

3 The learned counsel for the Applicant Shir U P Warunjikar was at pains to demonstrate that the said FIR is a counter-blast to the Public Interest Litigation which has been filed by the Applicant.

4 We have perused the FIR in question and on such perusal we prima facie find that the ingredients of the offences alleged against the Applicant are made out. We are prima facie of the view that the filing of the PIL and the orders passed therein have no connection with the allegations made in the FIR in question.

5 It is required to be noted that the FIR in question is under investigation. Admittedly the Applicant has kept himself away from the investigation. Hence on the last date we had deferred the hearing of the above Criminal Application for a period of two weeks on the statement made by the learned counsel for the Applicant that in the interregnum the Applicant would co-operate with the investigation. We are informed by the learned Additional Public Prosecutor that in spite of the said commitment recorded in the order passed by this Court, the Applicant has not come forward to participate in the investigation. Upon this the learned counsel for the Applicant Shri U P Warunjikar would contend that the Applicant has not participated in the investigation as his application for anticipatory bail is pending. So was the position on the last occasion when we had passed the order.

6 Hence both on merits as well as in view of the aforesaid fact we do not deem this a fit case to exercise our jurisdiction under Section 482 of the

Criminal Procedure Code. The above Criminal Application is accordingly dismissed. Needless to state that the observations made in the instant order are for the purpose of the present Criminal Application and would not come in the way of the Applicant at the trial.

[PRAKASH D. NAIK, J]

[R.M.SAVANT, J]