

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 424 OF 2015**

Yogesh Banarshilal Mittal

..Applicant

Vs.

State of Maharashtra & Anr

..Respondents

**Mr. Yusuf Iqbal Yusuf a/w Mr. Neville Majra and Mr. Firoz Qureshi i/b
Yusuf & Associates for the Petitioners**

Mr. A. R. Kapadnis APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 30th JANUARY, 2018**

P.C.

1 The above Criminal Application has been filed for quashing of the charge sheet which has arisen out of the FIR being No.I-205/2014 for offences punishable under Section 376 of the IPC.

2 The principal contention of the Learned Counsel for the Applicant was that the relationship between the Applicant and the prosecutrix was a consensual one, in support of which he seeks to rely upon various documents and Whats App messages exchanged between the parties. It is not possible for us in exercise of our jurisdiction under Section 482 of the CrPC to appreciate the material which is on record and then come to a conclusion. Lest it affects the Petitioner's defence in the Trial, we refrain ourselves from making any observations on the material which has come on record by way of the charge

sheet. We therefore cannot accede to the request of the Petitioner for quashing of the FIR, the above Criminal Application is accordingly dismissed.

3 However, we clarify that if any application is filed for discharge, the same would be tried on its own merits and in accordance with law.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]