

CRIMINAL APPLICATION NO.484 OF 2017

Hemant Dattatraya Joshi & Ors. Applicants
versus
The State of Maharashtra & Ors. ... Respondents
.....

- Mr.Charanjeet Chanderpal, Advocate for Applicants.
- Mr.Shubham Misar i/b. Ms.Asmita Sarangdhar, Advocate for Respondent No.2.
- Mr.K.V. Saste, APP for Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.**
DATE : 18th DECEMBER, 2018.

P.C. :

1. Heard the learned Counsel for the Petitioner. Learned Counsel for the Petitioner sought adjournment, which was opposed by the Petitioner. We have therefore taken up the matter.
2. We find that the FIR is being challenged only on the ground that way back in 2000 and thereafter upto year 2007 in Civil Litigation, the controversy is already settled and Respondent No.2 is beating a dead horse.

3. Perusal of statement in support of the FIR reveals a grievance in relation to order dated 03/05/2003 passed by Civil Judge, Senior Division, Kalyan, in Civil Suit No.71/00 and a restraining order. It is claimed that, that order has been violated on 05/10/2015 by executing and registering a document vide registration No.UHN-2/8803/2015. We therefore find that grievance in report is basically of a transaction which has taken place after 05/10/2015.

4. We therefore find contentions of Petitioner misconceived at this stage.

5. Defence of Petitioner cannot be looked into when investigation is still in progress. We therefore find no substance in the Petition. The Petition is therefore rejected.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)