

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2229 OF 2018**

Tushar Sampat **..Petitioner**
Vs.
The State of Maharashtra & Anr **..Respondents**

**WITH
CRIMINAL APPLICATION NO.205 OF 2018
IN
CRIMINAL WRIT PETITION NO.2229 OF 2018**

Miss Rita Gupta **..Applicant**
Vs
Tushar Sampat & Anr **..Respondents**

Mr. Tushar Sampat the Petitioner in person
Ms Rita Gupta the Respondent No.2 present
Mr. V. B. KondeDeshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 12th JUNE, 2018**

P.C.

- 1 Taken out of turn at the request of the Petitioner in person.
- 2 The Respondent No.2 who is personally present in Court accepts service of the above Writ Petition. She however states that she is aware of the prayers made in the above Writ Petition.
- 3 The above Writ Petition has been filed claiming multifarious reliefs. However, the substantive relief sought is by prayer clause (a) which is of quashing and setting aside of the proceedings being RCC/4140/2016 arising

out of FIR No.45 of 2015 registered with the Koregaon Police Station under Section 354(A), 354(D), 504, 506(2) and 509 of Indian Penal Code, 1860 at the behest of the Respondent No.2. The Petitioner has also sought the relief of taking action for criminal contempt against the complainant i.e. the Respondent No.2 herein. The Petitioner has also sought relief that the FIR No.65 of 2016 which is also registered at the behest of the complainant be clubbed with the present FIR and that the record and proceedings in respect of the B summary report which has been filed by Koregaon Police Station in respect of FIR No.65 of 2016 be called for. The Petitioner has also sought relief that action be taken against the Respondent for frivolous complaints as also take action for perjury, as also issue strictures against the Investigating Officer.

4 In so far as the other reliefs which are sought which we have briefly referred to hereinabove, it is not possible to entertain the Petition for the said reliefs as appropriate procedure would have to be followed by the Petitioner before the said reliefs can be claimed by the Petitioner in appropriate proceedings. In so far as the FIR No.45 of 2015 is concerned, it is required to be noted that the charge sheet has already been filed by the Investigating Agency. The Petitioner had moved an application for his discharge. Since the said application was pending before the Trial Court, the Petitioner had moved this Court by way of Writ Petition No.3680 of 2017

seeking a direction as regards the disposal of the said application for discharge. It seems that in the said Petition also the Petitioner had inter alia made various other prayers which the Petitioner it seems deleted so as to seek the direction for expeditious disposal of the discharge application. A Division Bench of this Court by order dated 4-12-2017 accordingly directed the Trial Court to dispose of the Petitioner's application. The Trial Court it seems has rejected the application filed by the Petitioner for discharge by a speaking order dated 9-3-2018 mentioning therein the reasons for rejection of the said discharge application. The Petitioner it seems has not taken any recourse against the said order and has chosen to file the instant Petition instead, for the substantive relief which we have adverted to hereinabove.

5 In the light of the fact that the Trial Court after going into facts has deemed it appropriate to reject the application for discharge filed by the Petitioner, this Court would not in a position to entertain the above Writ Petition filed by the Petitioner for quashing of the FIR in question as the rejection of the application for discharge undoubtedly impacts the relief of quashing of FIR sought by the Petitioner. The above Writ Petition is accordingly dismissed.

6 However, it would open for the Petitioner to challenge the order passed by the Trial Court rejecting his application for discharge by filing

appropriate proceedings. The dismissal of the above Petition would not come in the way of the Petitioner from prosecuting such proceedings.

7 However, in so far as the other reliefs which we have adverted to hereinabove, it would be open for the Petitioner to follow the procedure prescribed before claiming the said reliefs and then seek the said reliefs by filing appropriate proceedings before the appropriate forums / courts.

8 In view of the dismissal of the above Writ Petition, the Criminal Application No.205 of 2018 filed by the Respondent No.2 does not survive and to accordingly stand disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]