

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

CRIMINAL WRIT PETITION NO.3019 OF 2015

Nitin Dyaneshwar More & Ors

.... Petitioner

versus

The State of Maharashtra & Ors.

... Respondents

.....

- Mr.A.N. Naikwadi, Advocate for the Petitioners.
- Mr. P.R. Dubepatil, i/b. Shraddha Dupepatil & Co., Advocate for Respondent No.2.
- Mrs.A.S. Pai, APP for the State/Respondent.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 09th APRIL, 2018.**

P.C. :

1. The quashing of the charge-sheet filed on 28/04/2015 in the Court of learned J.M.F.C., Malegaon, is sought by way of the above Writ Petition. The learned Counsel for the Petitioner sought to dwell upon the factual aspect and desired that this Court record findings on the basis of factual aspects as pointed out by him.

2. We have perused the relevant papers and upon such consideration we are of the view that it would be appropriate if the Petitioner approaches the trial Court by invoking the statutory remedy for discharge. It is not possible for this Court to record findings of fact based on the factual aspects as were pointed out by the learned Counsel for the Petitioner. Hence, for the aforesaid reasons, we decline to exercise our writ jurisdiction.

3. The Writ Petition is accordingly dismissed.

4. Needless to state that if any application for discharge is filed, the same would be tried on its own merits and in accordance with the law.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)