

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3674 OF 2017**

**Mohit Chandra Bharadwaj
Vs.
State of Maharashtra & Ors**

**..Petitioner
..Respondents**

**Mr. Mohit Bharadwaj, Petitioner in person present
Mr. K. V. Saste Addl PP for the Respondent State**

**CORAM :R. M. SAVANT, &
SANDEEP K SHINDE,JJ
DATE : 8th FEBRUARY, 2018**

P.C.

1 The above Criminal Writ Petition has been filed for quashing of the proceeding being RCC No.19 of 2015 pending on the file of the Learned JMFC, Vashi, for offences punishable under Section 352, 353 and 506 of the IPC. The Petition also seeks a prayer that the police be directed to further investigate in the matter by taking recourse to Section 173(8) of the CrPC and the third prayer is of setting aside the order dated 19-7-2017 passed by the Learned 9th Joint Judicial Magistrate First Class, Belapur, Navi Mumbai and in the alternative the Learned Magistrate to proceed to frame charges and the trial be expedited and completed within 6 months.

2 The Petitioner has also filed a sperate application under Section 482 of the CrPC being Criminal Application No.1061 of 2016 for quashing of the said order dated 19-7-2017 passed by the learned 9th Joint Judicial Magistrate First Class, Belapur, Vashi, rejecting the application for discharge.

3 By administrative order passed by the Learned Acting Chief Justice both the above Criminal Writ Petition and the Criminal Application are clubbed together and placed before us.

4 The order dated 19-7-2017 passed by the learned 9th Joint Judicial Magistrate First Class, Belapur, Vashi, cites reasons as to why the application for discharge filed by the Petitioner was required to be rejected. We do not deem it appropriate to go into the said reasons lest it affects the Petitioner whilst adopting the remedy by way of a Revision before the Sessions Court. This is in view of the fact that we have reached a conclusion that there is no merit in the above Criminal Writ Petition filed for quashing of the proceeding in question. It is required to be noted that the charge sheet has already been filed against the Petitioner. It is not possible for us at this stage to consider the defence of the Petitioner as also to weigh the material which is on record. In so far as the prayer for further investigation is concerned, the said prayer cannot be entertained at the behest of the Petitioner who is an accused.

5 In that view of the matter, no relief can be granted to the Petitioner in the above Criminal Writ Petition, the same is accordingly dismissed.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]