

nsc.

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

CRIMINAL WRIT PETITION NO.3502 OF 2016

Lipton Gonsalves	...Petitioner
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Anil D'souza for the Petitioner.

Mr.V.B.Konde-Deshmukh, A.P.P for the Respondent-State.

Mr.Nilesh Tribhuvann a/w Ms.Pruna Sharma, for the Respondent No.2.

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.***

DATE : 7th JUNE, 2018

P.C. :

1. The above Petition has been filed for quashing of the FIR being No.9 of 2016, registered with the Charkop Police Station, Mumbai on 7th January, 2016. In respect of a co-accused who had filed Writ Petition No.984 of 2018, a Division Bench of this Court of which one of us (R.M.Savant,J.) was a member had dismissed the said Writ Petition in view of the charge-sheet which was filed against the said co-accused.

2. Insofar as the above Petitioner is concerned, the charge-sheet has not been filed in view of the restraint order against the Investigating Agency. Having regard to the fact that the Petition of the co-accused has been dismissed as also having regard to the fact that the investigation is complete and charge-sheet could not be filed in view of the fact that the restraint order is operating against the Investigating Agency, we do not deem this is a fit case to interfere in our writ jurisdiction. In the event, the charge-sheet is filed against the Petitioner abovenamed, it would be open for the Petitioner to take appropriate recourse by way of a discharge application. Needless to state that if any such application is filed, the same would be heard and decided on its own merits and in accordance with law. The contentions of the parties are kept open for being urged at the appropriate time.

3. With the directions as aforesaid, the Writ Petition is disposed of.

(REVATI MOHITE DERE, J.)

(R. M. SAVANT, J.)