

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4561 OF 2017

Anandrao Madhukar KhadakePetitioner
V/s.
The State of Maharashtra & Ors.Respondents

Mr. Jagannath S. Pawar, Advocate for Petitioner.
Mr. K.V.Saste, APP for the Respondent-State.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 13TH FEBRUARY, 2018.

PC. :-

The above Writ Petition has been filed for quashing of the FIR bearing C.R.No.481 of 2017 for the offences punishable under Sections 420, 468, 471 read with Section 34 of the IPC. The gravamen of the allegations against the Petitioner who claims to have degree in Ayurved is that he conspired with other doctors in getting one Suvidha Hospital, Indapur, registered under the Bombay Nursing Home Registration Act, 1949 (In short the '**Said Act**'). It is alleged in the FIR that when enquiries were made as regards the inward and outward numbers of the proposal made by the said Suvidha Hospital for registration, it was revealed that there was no such inward and outward number. It is further alleged that by

getting the said Suvidha Hospital registered under the said Act, people at large have been misrepresented. The learned counsel for the Petitioner sought to contend that the Petitioner has no role to play in the registration of the said Suvidha Hospital under the said Act. The role attributed to the Petitioner and the other doctors in facilitating the registration of the said Suvidha Hospital are in the FIR, it would only be on investigation being carried out in respect of the said allegation that the exact role of the Petitioner would be uncovered. However, prima-facie, at this stage it cannot be said that the Petitioner has been wrongly roped in the offences which have been alleged in the FIR against the person who is running the said hospital and the doctors who have facilitated the registration under the said Act. We, therefore, do not deem it fit to exercise our writ jurisdiction. The Writ Petition is, accordingly, dismissed.

2 However, it is clarified that it would be open for the Petitioner to invoke the statutory remedy of discharge under the Code of Criminal Procedure at the appropriate stage if so advised.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)