

Amk

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

WRIT PETITION NO. 5459 OF 2017

Paramanand Melhumal Jhamtani .. Petitioner
Vs.
The State of Maharashtra & Anr. .. Respondents

None for the Petitioner.

Mr. S. M. Sabrad a/w. Mr. Amey C. Sawant for the Respondent No.2.

Mr. Rajan Salvi, APP for the Respondent No.1-State.

**CORAM : A. A. SAYED &
RAVINDRA V. GHUGE, JJ.**

DATE : 16th APRIL, 2018.

P. C. :

1. None appears on behalf of the Petitioner.
2. Prayer clauses (a) and (b) of the Writ Petition reads as follows:
 - a. *This Hon'ble High Court be pleased to call for the records and proceedings resulted from the FIR bearing C. R. No. 112 of 2015 from Nigdi Police Station, Pune and after perusing the same as well as hearing the Petitioner;*
 - b. *The Hon'ble Court be pleased to issue the requisite Writ in the nature of mandamus/certiorari or any other appropriate Writ, Order or Direction, thereby quashing and setting aside the impugned FIR bearing C. R. No. 112 of 2015 qua the Petitioner;*
3. Learned Counsel for the Respondent No.2-Complainant informs us that the charge-sheet has already been filed and an Application for discharge under Section 239 of the Code of Criminal Procedure has already been made by the Petitioner before the Judicial Magistrate First Class, Pimpri. Copy of the said Application is tendered across the bar.

4. In the circumstances, since the Petitioner has invoked the remedy of filing a discharge Application, the present Petition need not be entertained. The Petition is accordingly dismissed.

[RAVINDRA V. GHUGE, J.]

[A. A. SAYED, J.]