

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.608 OF 2017

(Murlidhar s/o Dhanrajaji Bhattad and others vs. State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri G.N. Khanzode, Advocate for applicants.

Shri J.Y. Ghurde, Additional Public Prosecutor for
respondent no.1.

Shri V. Dahat, Advocate for respondent no.2.

CORAM : P.N. DESHMUKH AND
M.G. GIRATKAR, JJ.

DATED : JULY 4, 2018

This application is filed by applicants/
accused for quashing of First Information Report
No.3162/2016 registered for the offences punishable
under Sections 294, 504 and 506 read with Section 34 of
Indian Penal Code at Police Station, Gadchiroli.

Record reveals that by order dated 5/9/2017
directions were issued not to file charge-sheet though
there was no stay to investigation. However, learned
Counsel for the parties make a statement that before
passing of such order, charge-sheet was already filed
before competent Court on 23/8/2017, i.e. prior to
passing of restraintment order as aforesaid.

On earlier date, matter was adjourned to
enable learned Counsel for applicants to seek
instructions for taking appropriate steps by filing
application for discharge before competent Court.
Learned Counsel for applicants makes a statement that
he has not received any instructions and submits that

appropriate orders may, therefore, be passed.

The offences registered against applicants are under Sections 294, 504 and 506 read with Section 34 of Indian Penal Code. The facts leading to registration of first information report are that applicant no.1 is a retired Branch Manager of Cooperative Bank and applicant nos.2 and 3 are indulged in business of sale of confectionery and for that purpose, are required to remain out of their home till late evening. Non-applicant no.2 is residing opposite to the house of applicants and there appears to be some issue of drainage line being constructed in between the house properties and on that aspect, relationship between non-applicant no.2 and applicants are strained, which has resulted into filing of report, on the basis of which aforesaid offences came to be registered.

Having considered the nature of offences, this Court does not find it proper to go through all the documents filed along with charge-sheet, which recourse can very well be adopted by learned trial Court in the event application for discharge is filed by applicants. In that view of the matter, we pass following order :

The criminal application is dismissed with liberty to applicants to file application for discharge before competent Court, if found necessary.

JUDGE

JUDGE

khj