

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICITON

WRIT PETITION NO. 3568 OF 2017

Ravindra P. Giri.
and Others.

..Petitioners.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. L. Bhise I/b Vikrant Sabne for the Petitioners
Mr. S. R. Shinde, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 18, 2019.**

P. C. :

1. The petition is filed seeking to quash the proceedings of criminal case pending on the file of JMFC, Karad, bearing CC No. 92 of 2013.
2. Admittedly, after the charge was framed against the Petitioners, the Petitioners filed an application for discharge before the trial Court. It was rejected on merit as well as on the ground that charge is already framed against the Petitioners. Despite this position, the Petitioners have filed present petition for quashing the proceedings of subject criminal case. We are not inclined to entertain this writ petition on the same ground on which their discharge application was dismissed, namely, the charge is already framed.
3. The learned counsel for the Petitioner invited our

attention to the complainant's statement which is at page No.26 of the petition as well as to the complaint filed by him under section 156(3) of the Code of Criminal Procedure, 1973 and submitted that incorrect / wrong statements are made therein by the complainant. By now it is settled position in law that veracity of the allegations made in the complaint cannot be gone into at the stage of quashing.

4. Next, the learned counsel for the Petitioner relied upon decision of the Apex Court in Anup Sarmah v. Bhola Nath Sharma [(2013) 1 SCC 400]. We have gone through the said decision. In our considered opinion, the said judgment will have no application in the present case. The petition is devoid of any merit and the same is accordingly dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]