

17. Now, that the charge-sheet is filed in the competent criminal court, we clarify that without expressing any opinion on the merits of the controversy, it would be open for the applicant to take out such proceedings as are permissible in law, including seeking a discharge from the criminal case. We keep open all contentions in that regard and of both sides. With the above clarification, the criminal application is disposed of.

3. It appears that because of several FIR/Complaints filed against the petitioners, the Hon'ble Apex Court in Writ Petition (Criminal) No. 105 of 2016 on 6th March, 2018 in paragraph 5 found it not proper to exercise jurisdiction under Article 32 of the Constitution. However, remedy of the petitioners for seeking quashing of the FIRs or to seek other appropriate relief before High Court was kept intact.

4. This order of Hon'ble Apex Court dated 6th March, 2018 also mentions in paragraph 2 at point No.vii about FIR 172 of 2013 which formed subject of Criminal Application No.961 of 2013 and which is impugned before us vide prayer clause (A) in present application.

5. It is therefore apparent that after charge-sheet was filed, matter was before this Court and this Court at that time has not

intervened in the matter. This Court, however, has given petitioner/applicant leave to initiate proceedings as are permissible in law including one seeking a discharge.

6. Learned Counsel submits that FIR does not mention any alarm caused to the complaint and hence ingredients of offence under Section 505 (2) are not made out in this situation. Learned Counsel also adds that the numbers of Mobiles and landlines disclosed are reached by investigating officer, but then statement of concerned persons have not been recorded and that material therefore is missing on record.

7. When earlier controversy has been looked into by this Court and a particular course has already been found proper, we are not inclined to intervene again in same jurisdiction. Hence, keeping all contentions of applicants open and with liberty to applicants to proceed further to seek discharge wherein all these questions can be gone to, we dispose of present matter.

(SANDEEP K. SHINDE, J.)

(B. P. DHARMADHIKARI, J.)