

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

CRIMINAL APPLICATION (APL) NO.408/2019

Ankush Nilkanthrao Bambal and others

..V/s..

State of Maharashtra and others

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

Court's or Judge's orders

Shri V.A. Kothale, Advocate for the applicants.
Shri P.R. Agrawal, Advocate for respondent No.4.
Shri T.A. Mirza, A.P.P. for respondent Nos.1 to 3.

CORAM : Z.A. HAQ AND
M.G. GIRATKAR, JJ.
DATE : 6.11.2019.

- 1] Heard.
- 2] The application is for the following reliefs:

“[i] Quash and set aside the FIR No.63 dated 26.01.2016 registered by respondent No.1, Police Station Officer, Rajapeth Amravati police station against petitioners dragging them under Section 498-A, 34 of I.P.C. and Section 4 of Anti Dowry Act vide [Annexure-IV] and F.I.R. No.98 of dated 08.02.2019 registered by respondent No.1 vide Annexure-VI implicating petitioner under section 294, 323, 34, 504, 506 of IPC and Crime No.394/2019 registered against petitioner No.1 and his friend under section 294, 523, 506-B of IPC vide [Annexure-VIII];

[ii] Order respondent No.1 to register FIR referred in complaint dated 28.08.2015 vide Annexure-III and further complaint dated 29.01.2019 @ dt.7.2.2019 vide Annexure-V and respondent No.2 be ordered to register FIR as complaint dated 01.04.2019 Annexure-VII, immediately;

[iii] Restrain permanently

respondent No.1, 2 and 3 from taking any cognizance of any false report lodged by respondent No.4 regarding matrimonial relations against petitioners;

[iv] Grant stay to the proceeding in terms of registration of FIR referred in prayer clause [i], pending disposal of the application;

[v] Grant any other relief that deem suitable in the circumstances of the case, in the interest of justice.”

3] Shri Kothale, learned Advocate submits that in FIR No.63/2016 charge-sheet is filed and he has filed application for discharge. In Crime Nos.98/2019 and 394/2019 charge-sheets are yet to be filed.

4] Shri Mirza, learned A.P.P. and Shri Agrawal, learned Advocate have pointed out the order dated 22nd April, 2019. By this order, it is directed that charge-sheet should not be filed in the matter without seeking leave of this Court. Learned Advocate Shri Agrawal has submitted that in the year 2016 charge-sheet is filed in crime No.63/2016. The applicant has already filed application for discharge in that crime. The applicant is at liberty to file discharge application after filing charge-sheet, if any, in other crimes also.

In respect of prayer clause [ii] applicant is at liberty to file private complaint.

Relief cannot be granted in respect of prayer clause [iii] because this Court cannot permanently restrain the respondent Nos.1, 2 and 3 from taking cognizance.

The application is **dismissed**.

JUDGE

JUDGE