

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 CRIMINAL APPLICATION NO.1926 OF 2019

SWAPNIL S/O. RAMESH VISPUTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

.....
Advocate for Applicants : Mr. Prakashsing B. Patil
APP for Respondent-State: Mr. S.J. Salgare
Advocate for Respondent No.2 : Mr. Rahul M. Gaikwad (appointed)
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 8th DECEMBER, 2021**

PER COURT:-

1 We have heard learned counsel for the applicants for some time. The applicants-original accused are seeking quashing of crime No. 577 of 2019 registered with Tofkhana police station, Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of I.P.C.

2. Learned counsel for the applicants now submits that the applicants want to amend the prayer clause seeking quashing of proceedings since charge sheet has been submitted. In response to the query made by this Court, learned counsel submits that the charge sheet came to be submitted in connection with the present crime in the year 2019 itself. Learned counsel for the applicants has also made it clear that the applicants accused have appeared in the case pending before the concerned Magistrate in response to the

summons issued. It thus appears that even though this application is pending since 2019 and even though the charge sheet has been submitted in the year 2019 itself, till this date the applicants have not bothered to file an application for amendment seeking quashing of proceedings.

4. In view of above, we are not inclined to entertain this application. However, we grant liberty to the applicants to file application for discharge before the trial court if the charge is yet not framed.

5. Criminal application is accordingly disposed of.

6. We quantify the professional fees and expenses of learned counsel for respondent No.2 to the tune of Rs.2000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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