

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1152 OF 2018

Sushil Harishchandra Mancharkar

..Applicant

Versus

The State of Maharashtra & Anr.

..Respondents

Dr. Uday Warunjikar a/w. Sumit Kate a/w. Ms. Vaishnavi Gujarathi
for Applicant.

Mr. J. P. Yagnik, APP for State/Respondent No.1.

**CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : 13 DECEMBER 2021

P.C. :

. Heard the learned counsel for the Applicant and the learned APP.

2. The Applicant has sought quashing of F.I.R. No. 397 of 2018 filed by the Respondent No.2 at Pimpri police station for the offences punishable under sections 307, 195A, 120B, read with section 34 of the Indian Penal Code, under sections 3, 5, 25 and 27 of the Arms Act, 1959 and under sections 37(1) and Section 135 of the Bombay Police Act, 1951, as well as, the entire charge-sheet filed before the learned J.M.F.C., Pimpri.

3. The F.I.R. was filed with the following allegations. The Respondent No.2 had filed a case against the Applicant under section 354-A and 506 of the Indian Penal Code and under sections 7 and 8 of the Protection of Children from Sexual Offences Act, in the year 2014 and that case is going on. After the crime was registered, the Applicant and his associates were threatening the Respondent No.2 to withdraw that case and for that purpose the Respondent No.2 had filed complaints at the police station. On 24 May 2018 at 6.30p.m., when the Applicant was travelling in a auto rickshaw, two unknown persons came on a two wheeler and pillion rider brandished pistol like weapon towards the Respondent No.2 and threatened her to withdraw the case. Thereafter on 9 June 2018 again when the Respondent No.2 was in a public place, two unknown persons came on a motorcycle and pointed the firearm towards the Respondent No.2 and fired. The Respondent No.2 escaped. Hearing the sound of explosion, people came to assist the Respondent No.2 and the assailants escaped. The Respondent No.2 has alleged that these persons were sent by the Applicant to threaten her to withdraw the case. This is the gist of the F.I.R.

4. The learned counsel for the Applicant submitted that the F.I.R. is a result of political rivalry as the wife of the Applicant is Corporator and the Respondent No.2 is set up to malign political career of the Applicant's wife. The learned counsel for the Applicant submitted that, statements annexed to the charge-sheet would show

that there is nothing against the Applicant and the conspiracy cannot be hatched by one person alone.

5. We will have to consider these submissions within the ambit of extraordinary jurisdiction of this Court and in this jurisdiction the Court will not assess the evidence and declare that the Applicant is not guilty of any offence. If by perusal of the F.I.R. cognizable offence is made out, the Court will not exercise its extraordinary jurisdiction. Now when the charge-sheet is filed the Applicant has a remedy of applying for discharge.

6. The Criminal Application is accordingly disposed of.

7. We clarify that our observations are in the context of non exercise of the extraordinary jurisdiction of this Court.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)