

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2684 OF 2021

**SHANTARAM GIRIDHAR TUVAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicants : Mr. Ashish B. Lokhande And
Mr. G. K. Naik Thigle
APP for Respondents – State : Mr. S. J. Salgare
...

**CORAM : V. K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 17th FEBRUARY, 2022.

PER COURT :

1. Learned APP states that in the order dated 27-01-2022, Crime No.97/2018 is mentioned in terms of submissions made by the learned APP. The learned APP submits that inadvertently number 97/2018 was informed to the Court, instead of 97/2009. The learned APP has now placed before us copy of the charge-sheet. It appears from the charge-sheet that the Investigating Officer has submitted charge-sheet against accused No.1 Balasaheb Savitra Gadakh and accused No.2 Subhash Ramchandra Kale, out of 15 accused persons and so far as the remaining accused persons are concerned the Investigating Officer has submitted report under Section 169 of the

Indian Penal Code against them.

2. The applicants are seeking directions to register F.I.R. on the basis of their complaint dated 21-03-2009. On the basis of the papers i.e. copy of the charge-sheet submitted before the Sessions Court, it is clear that in the year 2013 itself the I.O. has submitted charge-sheet in connection with Crime No.97/2009, registered on the basis of complaint lodged by the present applicants. It is not in dispute that the applicants have initially approached the Magistrate by filing application under Section 156(3) of Cr.P.C. and on the basis of directions given by the Magistrate the said Crime No.97/2009 came to be registered in the concerned police station.

3. Even if the I.O. submitted report under Section 169 of Cr.P.C. against some of the accused persons, it is open for the applicants to file protest application in connection with the said report, before the trial Court. However, nothing survives for further consideration in this criminal application. Criminal application is, accordingly, disposed off.

(SANDIPKUMAR C. MORE)
JUDGE

(V. K. JADHAV)
JUDGE