

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

931 CRIMINAL APPLICATION NO.3240 OF 2019
WITH APPLN/2912/2021 IN APPLN/3240/2019

SUMEDH S/O. MADHAV WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicants : Mr. A.S. Kulkarni
APP for Respondent 1/ State : Mr. R.V. Dasalkar
Advocate for Respondent 2 : Mr. A.A. Mukhedkar

...
**CORAM : V.K. JADHAV &
SANDIPKUMAR C. MORE, JJ.**
DATED : 06/01/2022

PER COURT :

. We are not inclined to entertain this Criminal Application due to delay and latches. Though this Criminal Application is filed in the year 2019 for quashing of F.I.R. bearing Crime No. 320/2019 registered with Nanded Police Station for the offences under sections 498-A, 307, 323, 504, 506 r/w. 34 of I.P.C., chargesheet came to be submitted in connection with this Crime on 7.7.2020.

2. The learned counsel for respondent No. 2 has pointed out to us that in response to the process issued by the Trial Court in connection with the chargesheet, the applicants herein have appeared in the case bearing Sessions Case No. 136/2020 on 18.12.2020. The learned counsel for respondent No. 2 has further pointed out that thereafter after gap of one year and five months, Criminal Application No. 2912/2021 is filed for amendment seeking quashing of the proceedings.

3. The learned counsel for applicants submits that due to pandemic and since the applicants were not knowing that in the pending criminal application seeking quashing of the F.I.R. amendment is required to be made, the delay is occurred. However, at the time of appearance before the Trial Court physical hearing was permitted and even in the month of December, 2020 physical hearing was going on before this Court. Despite Criminal Application is filed for quashing of the F.I.R., we are unable to understand what prevents the applicants to bring to the notice of the counsel about filing of the chargesheet.

4. In view of the same, we grant liberty to the applicants to file application for discharge before the Trial Court. We are not inclined to entertain this Criminal Application at this stage. Hence, the following order.

ORDER

- i. Criminal Application No. 3240/2019 filed for quashing of F.I.R. is hereby disposed of with liberty as aforesaid.
- ii. Criminal Application No.2912/2001 filed for amendment is disposed of.

[SANDIPKUMAR C. MORE, J.]

[V.K. JADHAV, J.]

ssc/