

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CRIMINAL APPLICATION NO.3296 OF 2021
WITH APPLN/792/2022

SATISH SHAMRAO JANGADE AND OTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

.....
Advocate for Applicants : Mr. V. D. Sapkal, Senior Advocate
i/b Mr. P.D. Jarare
APP for Respondent-State: Mrs. P. V. Diggikar
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 16th MARCH, 2022**

PER COURT:-

1. We have heard learned senior counsel Mr. Sapkal at length. We are not inclined to entertain these criminal applications for the sole reason of delay and laches. These criminal applications are filed for quashing of the F.I.R. of the year 2017 bearing Crime No. 2 of 2017 and the consequential filing of the charge sheet vide R.C.C. No. 42 of 2017 before the J.M.F.C., Manwat for the offence punishable under Section 48(8) of the Maharashtra Land Revenue Code, 1966, Sections 379, 406, 34 of IPC and Section 23 of the Mines and Minerals (Development and Regulation) Act, 1957.

2. Though learned senior counsel Mr. Sapkal, by relying upon the ratio laid down by the Supreme Court in the case of **Rajiv Thapar & Others v. Madan Lal Kapoor**, reported in 2013 DGLS (SC) 69 : (2013) 3 SCC 330, has tried to convince us that at any stage of the

proceeding, such an application for quashing of the F.I.R. and the charge sheet can be filed, however, we are not inclined to entertain these criminal applications. It is true that at any stage of the proceedings, within reasonable time, if the criminal application under Section 482 of Cr.P.C. is filed, the same can be considered. However, after a gap of four years if the applicant is approaching by filing the application for quashing of the F.I.R. of the year 2017, we are not inclined to entertain these applications.

3. We have called the status report from the trial court and it appears from the said report that due to the absence of the accused, the trial court could not frame the charge against the accused persons. It thus appears to us that the accused persons are killing time by filing the applications for quashing of the proceedings. It is open for the applicants to file application for discharge before the trial court in the pending case. However, instead of filing such application before the trial court, after inordinate delay the applicants are approaching this Court by filing these applications for quashing of the F.I.R. under Section 482 of Cr.P.C.

4. In view of the above, there is no substance in these criminal applications. The criminal applications are hereby dismissed.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)