

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1926 OF 2021

Shailendra Shivnandan Sharma & Anr. ..Petitioners.
Versus
The State of Maharashtra & Another. ..Respondents.

Mr. Vijay P. Shinde for the Petitioner.
Mr. J. P. Yagnik, APP for the Respondent-State.
Mr. Hanmant Garaba Arjune in-person.

CORAM : PRASANNA B. VARALE &
ANIL S KILOR, JJ.

Date : **January 5, 2022.**

P. C. :

1. The present petition is filed at the instance of Shailendra Shivnandan Sharma and Sonu Sahilendra Sharma seeking quashment of First Information Report (FIR) bearing Crime No.98 of 2021 registered at Rabale Police Station, Navi Mumbai for commission of the offences punishable under sections 353, 332, 188, 269, 270 and 504 read with 34 of the Indian Penal Code, 1860. Perusal of the FIR shows that the report was lodged on 20th April 2021. On this petition, a notice was issued by this Court. In response to the said notice, Respondent No.2-Mr. Hanmant Garba Arjune is present in this court.

2. Learned APP on instructions submitted before this Court that post filing of petition, the investigating agency pursuant to the

lodgment of FIR, has completed the investigation and filed the charge-sheet before the competent Court on 4th December 2021 and the competent court took cognizance of the charge-sheet on 1st January 2022 and accordingly, criminal case was registered as RCC No. 8 of 2022. Now this being position, learned counsel appearing on behalf of the Petitioner submitted that the fact of filing of charge-sheet was not within his knowledge.

3. Learned APP, on instructions, submitted that copy of the charge-sheet was handed over to both the petitioners on 1st January 2022.

4. In view of above fact situation, learned counsel appearing on behalf of the Petitioner prayed for the disposal of this writ petition with liberty to the petitioners to avail appropriate legal remedies before the competent Court, including, filing of an application seeking discharge. Learned counsel for the petitioners submitted that the petitioners be protected till the time they approach competent court availing the legal remedies. Learned counsel appearing for the petitioners were justified in praying for some protective orders till the petitioners approach the competent Court for availing the appropriate legal remedies.

5. In view of the above, writ petition is disposed of with liberty to the petitioners to approach the competent Court within two weeks from today for availing appropriate legal remedies. The competent Court is directed not to proceed with the matter in pursuant to the filing of charge-sheet till the petitioners take appropriate steps, i.e., till the petitioners file an application for seeking discharge.

6. We further make it clear that this Court has not made any observations on the merits of matter.

7. Writ petition stands disposed of.

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]