

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.1010 OF 2013****WITH****CRIMINAL APPLICATION (APPP) NO.805 OF 2016****IN****CRIMINAL APPLICATION NO.1010 OF 2013**

Anil Baikunth Nath Chaturvedi And Anr.

... Applicants

V/s.

Central Bureau Of Investigation And Ors

... Respondents

Mr. Abhijeet Rane a/w Mr. Sunil Chaturvedi i/b T. N. Tripathi And Co. for Applicants/Original Accused Nos.2 and 4.

Ms. Ameeta Kuttikrishnan for Respondent No.1-CBI.

Mr. Ajay Patil APP, for Respondent-State.

**CORAM : A.S. GADKARI AND
MILIND N. JADHAV, JJ.**

DATE : 26th AUGUST 2022.

PC. :

1. By the present Criminal Application No.1010 of 2013, Applicants (Original Accused Nos.2 and 4) have prayed for quashing of First Information Report (FIR) bearing FIR No. R.C. No.2 (E)/98/BS&FC, Mumbai dated 24th February 1998 and proceedings bearing C.C.No.1036/PW/2009 filed by Respondent No.1-CBI.

2. Heard Mr. Rane, learned counsel for Applicants and Ms. Kuttikrishnan, learned Advocate for Respondent No.1-CBI. Perused record.

3. In the pleading itself Applicants have admitted that, after completion of investigation of the said crime, the investigation conducted by Respondent No.1 has been culminated into filing of complaint bearing C.C.No.1036/PW/2009, which is pending before the Court of Chief Metropolitan Magistrate, Mumbai for final adjudication.

In view thereof, present Application for quashing the FIR itself is not maintainable.

4. As far as quashing of the Criminal Case filed by the Respondent No.1 against Applicants is concerned, record indicates that, the Applicants had filed an Application for their discharge as contemplated under Section 239 of the CrPC before the Trial Court, which has been rejected by its Order dated 7th March 2013.

Record further indicates that, by an Order dated 13th October 2016 this Court by way of ad-interim relief had directed the Trial Court not to proceed to frame said charge in the matter.

5. According to us, Order dated 7th March 2013 passed by the learned Magistrate i.e. Trial Court, holds the field as of today.

6. In view thereof, learned counsel appearing for Applicants on instructions seeks leave to withdraw present Application seeking quashing of Criminal Case with liberty to challenge Order dated 7th March 2013 passed by the Trial Court before appropriate Court, as may be permissible by law.

Leave and liberty granted.

Criminal Application No.1010 of 2013 is disposed off as withdrawn.

8. In view of disposal of Criminal Application No.1010 of 2013, Criminal Application No.805 of 2016 does not survive and is accordingly disposed off.

[MILIND N. JADHAV, J.]

[A.S. GADKARI, J.]