

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (APL) NO. 595 OF 2022

Mr. Akash s/o Rajabal Yenurkar

Vs.

State of Maharashtra, Thru. PSO Ballarsha, Dist. Chandrapur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.P. Meshram, Advocate for applicant.
Mr. S.S. Doifode, APP for respondent/State.

**CORAM : MANISH PITALE, &
VALMIKI SA MENEZES, JJ.**

DATE : 24.08.2022.

By this application, the applicant is seeking quashing of charge-sheet dated 18.05.2021 filed against the applicant. On 28.04.2022, this Court issued notice and granted interim relief. The non-applicant No.1-State is represented by the learned APP, while the non-applicant No.2 despite service has chosen not to appear before this Court.

2. The learned counsel for the applicant has raised only one contention, which is to the effect that by judgment and order dated 23.08.2021, the Division Bench of this Court allowed the Criminal Application (APL) No.189/2021 at the behest of the

applicant whereby the FIR dated 12.12.2020 registered against the applicant was quashed.

3. It is an admitted position that the subject charge-sheet was filed in pursuance of the said FIR.

4. Since the FIR itself was quashed by this Court by the said judgment and order, it is obvious that the charge-sheet could not have been filed. Therefore, we are inclined to allow the present application.

5. In view of the above, the application is allowed in terms of prayer clause (a) which reads as under:

“(a) Quash and set aside Charge-sheet No.92/2021, dated 18.05.2021, filed by PSO Ballarsha, Dist. Chandarpur, in pursuance of Crime No.861/2020, dated 12.12.2020, u/s. 376, 376(2)(n) and 417 of the Indian Penal Code.”

[VALMIKI SA MENEZES, J.]

[MANISH PITALE, J.]