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

CRIMINAL APPLICATION (APL) NO.517 OF 2019

1. Dnyaneshwar Krushnarao Patil,
Aged about 62 years, occupation private,
R/o plot No.27, Sarvashri Nagar,
Umrer Road, Dighori, Nagpur.

2. Shri Praful Shrawanji Nikhade,
Aged about 30 years, occupation private,
R/o Itwari, Telipura, Pewatha-
Maskasath, Nagpur.

..... **Applicants.**

:: V E R S U S ::

The State of Maharashtra,
Through PSO PS Chandrapur. **Non-applicant.**

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Shri R.R.Gour, Counsel for Applicants.
Shri M.K.Pathan, Addl.P.P. for the State.

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CORAM : **V.M.DESHPANDE & AMIT B.BORKAR, JJ.**

DATE : **APRIL 01, 2022**

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

1. Heard learned counsel Shri R.R.Gour for applicants and
learned Additional Public Prosecutor Shri M.K.Pathan for the State.

Rule. Rule made returnable forthwith. Heard finally by consent of
learned counsel for parties.

2. By this application, under Section 482 of the Code of
Criminal Procedure, applicants challenge registration of First
Information Report No.245/2019 and consequent chargesheet filed by
investigating agency.

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3. During course of hearing, learned counsel for applicants invited our attention to order dated 19.7.2019 passed by this Court (Coram : P.N.Deshmukh & Pushpa V.Ganediwala, JJ.) in Criminal Application No.513/2019 filed by owner of applicants wherein this Court had set aside the First Information Report which is the subject matter of the present proceeding.

4. It is not in dispute that applicants are servants of owner at whose instance the present First Information Report was set aside. In view of the same, the present proceeding against applicants cannot be continued as the same would amount to abuse of process of law.

5. In this view of the matter, we pass following order:

ORDER

(1) The criminal application is allowed.

(2) First Information Report No.245/2019 along with Summary Criminal Case No.2728/2019 *qua* present applicants is quashed and set aside.

Rule stands made absolute in above terms.

JUDGE

JUDGE

Digitally signed
by BHUSHAN
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WANKHEDE
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