

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

CRIMINAL APPLICATION (APL) NO. 1324 OF 2021

Dr. Dinkar s/o. Narayan Bajad

vs.

State of Maharashtra and another

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

Court's or Judge's Orders.

Mr. G. M. Kubade, Advocate for applicant.
Mr. S. S. Doifode, APP for respondents.

**CORAM : MANISH PITALE AND
VALMIKI SA MENEZES JJ.**

DATE : 12/08/2022

We have heard Mr.Kubade, the learned
counsel appearing for the applicant.

2. This application is styled as an application
under Section 482 and Section 321 of the Code of
Criminal Procedure(Cr.P.C.), not only seeking
quashing of First Information Report (FIR), but also
seeking certain specific positive directions against the
respondent State in the light of Government
Resolution dated 12/05/2015.

3. A perusal of Section 321 of the Cr.P.C.
shows that it pertains to withdrawal from

prosecution on applications made in that regard by the Public Prosecutor with the consent of the Court. According to us, the applicant invoking the said provision is completely misplaced in the facts and circumstances of the present case.

4. Even otherwise, we are informed that the applicant had applied for discharge as the investigating authority had filed charge-sheet in pursuance of investigation. The said application seeking discharge was rejected by the competent Court, against which the applicant filed Writ Petition No.788 of 2021.

5. The learned counsel for the applicant informed this Court that the said writ petition was disposed of with liberty to the applicant to file revision application to challenge the rejection of the application for discharge. The said revision application is yet to be filed. In the meanwhile, the present application was filed by the applicant seeking the aforementioned reliefs.

6. We are of the opinion that the reliefs sought by the applicant in the present application cannot be granted. Insofar as the FIR and charge-sheet are concerned, the applicant can certainly seek

the remedy of filing a revision application to challenge the said rejection of the application for discharge. Insofar as the other reliefs are concerned, the applicant can certainly file a properly constituted petition before this Court for seeking appropriate reliefs.

7. In view of the above, the application is dismissed with liberty to the applicant as indicated above.

JUDGE

JUDGE