

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.662 OF 2019

Anand s/o. Channapa Machewar
and ors.

..Petitioners

Vs.

The State of Maharashtra and ors.

..Respondents

Mr.B.A.Darak, Advocate for petitioners
Mr.N.T.Bhagat, APP for respondent no.1

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : AUGUST 09, 2023**

ORDER :-

Heard.

2. The applicant is being prosecuted for the offence punishable under Section 188 of Indian Penal Code. For prosecuting a person for the said crime, there is a bar of Section 195(1)(a)(i) of the Code of Criminal Procedure, meaning thereby the Court cannot take cognizance of the said offence unless there is complaint of the public servant concerned or of some other public servant to whom he is administratively subordinate.

3. Since, in the present case, the charge sheet has been filed, the Court ought not to have taken cognizance of the offence. Without going into the merits of the matter, we, therefore, quash the FIR and the consequential proceedings.

4. Needless to mention, we have not observed anything about the merits of the matter.

5. The Writ Petition is allowed in terms of prayer clause (B).

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP