

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 150 OF 2021**

Deepak Venkatesh Patil &amp; Ors.

.....Applicants

Vs.

The State Of Maharashtra &amp; Anr.

.....Respondents

Mr. Rohit P. Karhadkar for the Applicants.

Ms. G.P. Mulekar APP, for the Respondent-State.

Mr. Sandeep S. Patil, PSI, Mumbai-Naka Police Station, Nashik City present.

**CORAM : A. S. GADKARI AND  
PRAKASH D. NAIK, JJ.****DATE : 3<sup>rd</sup> APRIL, 2023.****P.C.:-**

By the present Application, Applicants have prayed for quashing of FIR No.I-205 of 2020 registered with Mumbai-Naka Police Station, Nashik dated 13<sup>th</sup> May, 2020 under Sections 323, 352, 354, 494, and 506 r/w Section 34 of the Indian Penal Code.

2) Record indicates that, by an Order dated 30<sup>th</sup> June 2020, this Court by way of ad-interim relief had directed that, till the next date though the investigation may be proceeded, the charge-sheet shall not be filed without leave of the Court.

Order dated 5<sup>th</sup> January, 2021 indicates that, none had appeared for Applicants on the said date and this Court thereafter clarified that, pendency of this Application shall not be construed as an impediment

to proceed with the investigation i.e. CR No. I-205 of 2020 registered with Mumbai-Naka Police Station, Nashik. That, the Investigating Officer can take all steps necessary to be taken during the course of investigation.

3) According to us, the effect of Order dated 30<sup>th</sup> June, 2020 was diluted by the subsequent Order and the Investigating Officer was permitted to carry on investigation and take all necessary steps during the course of investigation. The Investigating Officer accordingly completed investigation and submitted charge-sheet on 2<sup>nd</sup> June, 2021 in the Court of Judicial Magistrate First Class (Court No.5), Nashik and the same has been numbered as R.C.C. No.718 of 2021.

4) In view of the above, Applicants are having substantial alternate remedy either by way of filing of Application for discharge or to contest the said RCC No.718 of 2021 on merits before the trial Court.

5) Application is accordingly disposed off by reserving the said alternate remedy available to the Applicants under the provisions of the Code of Criminal Procedure.

**(PRAKASH D. NAIK, J.)**

**(A.S. GADKARI, J.)**

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MASHALKAR  
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