

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Writ Petition No. 2372 of 2023

Dr Prithviraj Chauhan	...	Petitioner
v/s.		
The State of Maharashtra	...	Respondents

Mr Girish Kulkarni, Sr. Advocate a/w. Ms Shweta Rathod and Mr Pravin Bhoi i/b. Essence Legal Services for the petitioner.

Mr J P Yagnik, APP for the State.

**CORAM : NITIN W. SAMBRE &
R.N.LADDHA, JJ.**

DATE : 17th July 2023

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The sanction to prosecute the petitioner, a public servant, came to be rejected resulting into filing an application for discharge in Sessions Case No.45/2014.

2. The prayer for discharge came to be rejected on 23rd December 2014.

3. In this background, the petitioner has approached this Court

seeking quashing of the charge-sheet. Our attention is invited to an order passed in the matter of similarly situated accused namely Mahendra Kumar N Patel in the aforesaid case passed below Exhibit 46 and 102 wherein said accused came to be discharged for want of sanction.

4. According to Mr Girish Kulkarni, the learned Senior Counsel for the petitioner, since the sanction is refused and the same is confirmed by the higher authorities, the prosecution against the petitioner is not sustainable and is liable to be quashed.

5. The aforesaid factual position is not disputed by the learned APP.

6. In view of above, having regard to the fact that since the permission to prosecute the petitioner is already rejected, the prosecution against the petitioner cannot be continued or said to be sustainable. As such the present application stands allowed in terms of prayer clause (a).

7. Writ petition stands disposed of accordingly.

R.N. LADDHA, J.

NITIN W. SAMBRE, J.