

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

WRIT PETITION NO.4259 OF 2021

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Mr. Bahubali Tatyaso Dhamane

..Petitioner

Versus

The State of Maharashtra

..Respondent

Mr. S. M. M. Owais Jahagirdar, for the Petitioner.

Mr. J. P. Yagnik, APP for the Respondent/State.

**CORAM : NITIN W. SAMBRE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 5th JUNE, 2023

PC.

1. Heard.

2. The petitioner is seeking quashing of the FIR bearing No.79 of 2020 and charge-sheet pending on the file of Sessions Judge vide Sessions Case No.21 of 2020 registered with non-applicant police station for the offences punishable under Section 304, 304A, 420, 471, 201, 337, 338 r/w 34 of IPC.

3. The fact remains that the petitioner is already charge-sheeted and seeking quashing on the ground that (a) he being Structural Engineer has never certified the structure in question which has resulted into certain casualties; (b) he has come out with a case that certificate of structural audit is not under his signature and the forensic report to that effect is already submitted by the Investigating Agency.

4. As far as the first issue about denial of the petitioner being structural consultant/designer of the building in question is concerned, it is submitted that alleged certificate issued by the petitioner or his firm is forged and fabricated and he has no active role or participation in construction of the building.

5. As regards Forensic Science Report regarding the certificate issued by the petitioner certifying structural audit of the building in question, same is not part of the record, as the same has been received subsequently by the counsel of the petitioner.

6. Apart from above, based on Forensic Science Report, it is always open for the petitioner to seek discharge. In view of above, we refrain ourselves from quashing FIR and Charge-sheet and grant liberty to the petitioner to approach the concerned Court for seeking discharge based on the report of Forensic Science Laboratory.

7. With the above observations, the petition stands disposed of.

8. If the application for discharge is moved before the Court below, same shall be decided without being influenced by the disposal of the present proceedings.

[SHARMILA U. DESHMUKH, J.]

[NITIN W. SAMBRE, J.]