



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1068 CRIMINAL APPLICATION NO. 4540 OF 2023

RANJEET SINGH AMARJEET SINGH GILL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for applicant : Mr. Parth Salunke
APP for the respondent – State : Ms. S.S. Joshi
Advocate for respondent no. 2 : Mr. G.D. Jain h/f. Mr. A.P. Raka
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 14 MARCH 2024

PC :

The matter was peremptorily kept since it was being requested that with consent of the respondent no. 2 – informant, the crime can be quashed.

2. Considering the facts and circumstances, we are not inclined to quash the crime merely on the basis of the consent of the respondent no. 2.

3. We have heard both the sides.

4. It is a startling case / instance how an individual can take the system for a ride and is clearly gross abuse of the process of law.

5. Though the applicant has been seeking quashment of a crime by resorting to section 482 of the Code of Criminal Procedure, it is abundantly clear that to the extent of the co-accused, already a final

report / chargesheet was filed by the Investigating Officer. Since the applicant was not traceable, he had indicated in the remarks column that the prosecution would be invoking the provisions of section 299 of the Code of Criminal Procedure qua the applicant.

6. On our query and on instructions, the learned advocate for the applicant submits that he has never surrendered before the Magistrate. If the applicant has never been arrested, still, without surrendering, he has been bold enough to approach the High Court and seek quashment of the crime. For this very reason, the application is liable to be rejected.

7. Considering the fact that the applicant has resorted to a gross abuse of the process of law, we reject the application and impose upon him costs of Rs.25,000/- (Rs. Twenty Five Thousand), to be deposited in the trial Court within four weeks else to be recovered as arrears of land revenue by the Collector, Nanded or his subordinates.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/