

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

CRIMINAL WRIT PETITION NO. 670 OF 2015

Anita Harold Martin @ Anita
Campbell

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Harjeet Kaur for the petitioner
Mr. Amol Joshi for respondent no.2.
Mrs. U.V. Kejriwal, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 25th MARCH, 2015.

P.C.

1. Heard. This petition is filed for following reliefs :-

“(a) that the MCR 4/2014 lodged with the Vanrai Police Station dated 19/06/2014 by the respondent no.2 u/s 406, 420, 380, 411 of Indian Penal Code be please be quashed.

(b) that all Criminal proceedings emanating from the MCR/4/2014 dated 19/6/2014 be also be quashed.

(c) that Case No.213/SW/2014 pending on the file of Ld.

Metropolitan Magistrate, 17th Court, Borvali be quashed.

(d) that respondent no.2 be directed to furnish details of his permanent address in Mumbai and / or in India.

(e) that respondent no.2 be please be directed to personally remain present before this Hon'ble Court.”

2. So far as reliefs claimed in prayer clauses (a), (b) and (c) are concerned, it is not in dispute that after investigating into the complaint, the Investigating Agency has filed 'C' summary report before the concerned Magistrate and the same was accepted by passing an order. However, this order is set aside and fresh notices are issued to the respondent no.2-original complainant. Thus, 'C' summary report is pending before the learned Magistrate. If the petitioner is aggrieved by the above said orders, she can challenge the same. The prayer clauses (a), (b) and (c) cannot be entertained. Similarly, the prayer clause (e) does not survive since the respondent has already put in his appearance through his Counsel.

3. So far as relief claimed in prayer clause (d) is concerned, the

respondent no.2 submits that respondent no.2 shall remain present before the concerned Magistrate through his Counsel. Statement is accepted. We expect that learned Magistrate shall dispose of 'C' summary report expeditiously.

4. Subject to above, the Writ Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)