

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

CRIMINAL APPLICATION NO. 1324 OF 2012

Michael Edward Kedeem & Ors.	.. Applicants
v/s.	
The State of Maharashtra & Anr.	..Respondents

Mr. Manoj Mohite a/w Mrs. S.V. Parab i/b Rajeev Sawant & Associates
for the applicants
Mr. Jaideep Lele i/b Siddique & Associates for respondent no.2.
Mr. K.V. Saste, APP for the respondent State

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 28th JANUARY, 2015.**

P.C.

1. This application is filed by the applicants under the provisions of Section 482 of the Cr.P.C. for quashing of the F.I.R. No.171 of 2012 registered with BKC Police station, Mumbai at the instance of respondent no.2 for offence punishable under Sections 406, 420 r/w 34 of the IPC.

2. By order dated 6th December, 2012, this Court admitted the above application and by way of interim relief, directed that the investigation shall proceed further but charge-sheet shall not be filed without prior permission of this Court.

3. Mr. Saste, learned APP tenders letter dated 27th January, 2015 written by the Senior Police Inspector, BKC Police Station, Mumbai to the Public Prosecutor with reference to the investigation into the C.R. No.171 of 2012. The letter shows that after investigation, it is disclosed that the dispute between the petitioner and respondent no.2 is of civil nature. Mr. Saste, learned APP submits that the investigating officer intends to file “C” summary report in the concerned Magistrate's Court. Statement is accepted.

4. In the above circumstances, the grievance of the petitioner no more survives. Respondent no.2 – complainant is at liberty to approach the Magistrate in protest petition, once “C” summary report is filed by the Investigating Officer.

5. The Writ Petition is disposed of. If such protest petition is filed, the learned Magistrate shall dispose of the said protest petition expeditiously after hearing all concern.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)