

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 622 OF 2016

Kapil Vilas Gandhi	...Applicant
Versus	
Ritesh Khandewal & Anr.	...Respondents
Mr.	
Kuldeep U. Nikam, for the Applicant.	
Dr. F.R. Shaikh, APP for Respondent No.2-State.	
Mr.A.K.Saxena i/b Mr.Ravi S.Rattesar for the Respondent No.1.	

...
CORAM : A.S.OKA &
A.A. SAYED, JJ.

DATED : 28 SEPTEMBER 2016

P.C.:

Learned APP has tendered across the bar, the report dated 22 September 2016 submitted by the Sub-Inspector of Police of Lonawala City Police Station. In the report, it is stated that the charge sheet is being filed by the police against the accused Vicky Rajpal. Further, it is stated therein that there was no material found against the Applicant showing his involvement in the crime and therefore, charge sheet will not be filed as against the present Applicant. The statement is accepted.

2. The report is taken on record and marked "R-1" for identification. The report shall be kept in a sealed envelope and copies of the report shall not be furnished to any party without express order of this Court.

3. In view of the aforesaid statement made in the report, the present Application for quashing the First Information Report need not be entertained. Learned Counsel for the first Respondent submits that there is a material against the Applicant. However, it is for the first informant to take appropriate steps in that behalf. Suffice it to say that in view of what is stated in the report, at this stage, the present Application for quashing the First Information Report need not be entertained and the same is accordingly disposed of. In any event, under the orders of the Court if the police are permitted to carry out any further investigation as against the Applicant, it will be open for the Applicant to file a fresh Application seeking a relief which is sought in this Application.

4. Subject to what is observed above, the Application is disposed of.

(A.A. SAYED, J.)

(A.S.OKA, J.)