

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3378 OF 2013

Usman Abdul Nabi Shaikh Madar. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Sandeep Jalan i/b Shabnam Shaikh for the Petitioner.

Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **February 29, 2016.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. The reliefs sought in the petition are as under :

"a) That this Hon'ble Court be pleased to issue writ in the nature of mandamus or any other appropriate writ, order or direction, directing the officer of the Malwani Police Station to take steps against the accused persons referred hereinabove for the offences punishable under section 420, 465, 467, 468 read with 20(B) and 34 of IPC and thereafter to conduct and carry out fair and unbiased investigation and to take appropriate actions in accordance with law to secure ends of justice.

b) In alternative this Hon'ble Court be pleased to issue writ in the nature o mandamus or any other appropriate writ, order or direction directing the officers of the Malwani Police Station to produce investigation report before this Hon'ble Court"

2. Pursuant to our earlier order, an affidavit has been filed by Mr. Dnyandeo Kedar, API, EoW, Unit-I, Mumbai. The affidavit reveals that after completion of investigation into the subject crime, namely, FIR No. 366 of 2011, which was registered at the instance of the Petitioner, on 1st April 2014, the police have filed a report before the concerned Magistrate, classifying the said crime as "C-Summary". It is further stated in the affidavit that on such report of the police, the Magistrate twice issued notice to the Petitioner, but the Petitioner has not attended the Court of Magistrate.

3. In above fact-situation, the grievance of the Petitioner no more survives. Hence, writ petition is dismissed. Needless to state that the Petitioner can approach the learned Metropolitan Magistrate and contest the report filed by police as "C-Summary".

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]