

## WRIT PETITION NO.602 OF 2014

Mr.Mahesh A. Shukla i/by Mr.Rajendra Mishra for Petitioners.  
Mr.K.VSaste, APP, for State.  
Mr.Abhijit Y. Patil for Respondent no.2.

DATE : 20<sup>th</sup> April 2017

1. This petition is filed invoking this Court's jurisdiction under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973. The prayer is to quash the first information report (`FIR')/MECR No.1/2014 registered on 12th January 2014 with Malad Police Station. The offences alleged are punishable under Sections 406, 420, 465, 468, 477-A read with Section 120-B of Indian Penal Code.

2. This matter was called out in the morning session and kept back so as to enable Mr.Saste, learned APP, to take instructions. On taking instructions, Mr.Saste informs the Court that all the investigations are over and the Investigating Officer is to file a report in the competent criminal Court praying for closure of the

proceedings. In the opinion of the Investigating Officer, the investigation reveals that whole dispute is civil in nature.

3. When Mr.Saste is instructed to state as above, we do not see any merit in the apprehension of the Petitioners that they would be proceeded against and coercively. In the circumstances, the prayer for quashing of first information report need not be entertained. The writ petition is disposed of mainly because of the statement made by Mr.Saste, learned APP, on instructions. We clarify that we have not expressed any opinion on the merits of the controversy.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST