

pmw

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.428 OF 2016**

Sachin Somnath Jambhulkar	... Applicant
Vs.	
State of Maharashtra and Anr.	... Respondents

Mrs. Prabha Uday Badadare for the Applicant.
Mr. K.V. Saste, APP for the Respondent No.1.
Mr. Mohamed Muquim Khan for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 19th JANUARY, 2017

PC.

1 The learned APP on instructions of Shri A.U. Jadhav states that within a period of one week from today, the Investigating Officer will file the final report claiming 'C' summary qua the petitioner in the Court of the learned Magistrate. We accept the said statement. In view of the statement, it is not necessary to entertain this application for quashing the FIR.

2 Needless to add that the learned Magistrate will have to issue notice on the said report to the second respondent and to allow him to file a Protest Petition. The learned Magistrate will pass appropriate order on the report after giving an opportunity of being

heard to the second respondent.

3 If the learned Judge declines to grant 'C' summary qua the applicant, it will be open for the applicant to file a fresh application for quashing the FIR. All contentions of the parties on the report of the Police are kept open. Subject to what is observed above, the Petition is rejected.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)