

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1949 OF 2016

Deepak B. Patel. ..Petitioner.

Versus

State of Maharashtra ..Respondent.

Mr. A. M. Sarogi for the Petitioner.

Mr. J. P. Yagnik, APP for the state.

Coram : Ranjit More &
Smt. Revati Mohite Dere, JJ.

Date : **March 15, 2017.**

P. C. :

1. Petition is filed seeking directions to L.T.Marg Police Station to conduct enquiry and investigation under section 156(3) of the Code of Criminal Procedure, 1973 and take cognizance of the Petitioner's complaint. Mr. Sarogi, learned Counsel appearing for the Petitioner submitted that despite order made by the Magistrate on the Petitioner's complaint under section 156(3) of the Code, L.T.Marg Police Station has not registered the FIR. He also made a grievance that the Petitioner is not aware about the progress of investigation.

2. Mr. Yagnik, learned APP for the State placed on record report dated 5th October 2016 made by the Senior Inspector of Police L.T.Marg Police Station and submitted that pursuant to the said order, L.T.Marg Police Station has registered the FIR bearing CR No. 19 of 2015 for the offence punishable

under sections 406, 420, 465 and 467 of the Indian Penal Code, 1860. He further submitted that this FIR was investigated and police have come to the conclusion that dispute raised by the Petitioner in the said complaint is of civil nature and the Investigating Officer has accordingly filed report in the Court of 47th Metropolitan Magistrate, Esplanade Court, Mumbai.

3. In above circumstances, in our opinion, the Petitioner's grievance no more survives. The Petitioner is always at liberty to contest the summary report. Learned Counsel appearing for the Petitioner at this stage makes a grievance that copy of the FIR is not given to the Petitioner. We make it clear that the Petitioner is at liberty to apply before the 47th Metropolitan Magistrate Court for copy of the summary report along with copy of the FIR. The Magistrate shall hear the Petitioner and decide the summary report filed by the police.

4. Subject to above, writ petition is dismissed.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]