

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3787 OF 2014

Mr. Laxman S/o. Kondiba Dhobale ...	Petitioner
Vs.	
The State of Maharashtra & Anr. ...	Respondents

WITH
CRIMINAL APPLICATION NO. 584 OF 2014

Smita Dayanand Shinde	..	Intervener/Applicant
vs.		
The State of Maharashtra	..	Respondent

Mr.A.M.Sarogi, for the Petitioner.
Mr.A.R.Kapadnis, APP, for the State.
Mr. Amardeep Bhattacharya i/b. Manjula Biswas for respondent No.2.

**CORAM: RANJIT MORE &
SMT.SADHANA S.JADHAV, JJ.**
DATE : 28th AUGUST, 2017.

P.C.

The above Petition is filed for quashing and setting aside the FIR No.359 of 2014 initially registered with Borivli Police Station for the offences punishable under Sections 376, 323 and 506 of the Indian Penal Code and subsequently transferred to the Crime Branch.

2. Mr. Kapadnis, learned APP, on instructions, makes a statement that “B” Summary report is already filed before the Learned Metropolitan Magistrate, 26th Court at Borivlai. He further submits that the complainant

has also filed a protest petition. This fact is not disputed by the learned counsel for the respondent No.2 – original complainant.

3. In the light of the above, the grievance of the petitioner does not survive. The Petition is, therefore, disposed of.

4. The learned Metropolitan Magistrate, 26th Court, Borivli is directed to decide the 'B' Summary report along with the protest petition expeditiously within three months from the date of receipt of this order on their own merits and in accordance with law without being influenced by the observation of this Court. Since the Writ Petition No.3787 of 2014 is disposed of, the Criminal Application No.584 of 2014 does not survive and the same is also disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE,J)