

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4234 OF 2016

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Atul Damale, Senior Counsel with Shri Mohan Tekavde, Ms. Swati Tekavde, Shri Nimit Sharma, Ms. Priyanka Kothari and Ms. Anjali Mishra for the Petitioners.
Mrs.S.V.Sonawane, APP for the Respondent No.1.
Ms. Krupali H. Rajani for the Respondent No.2.

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

DATED : 23RD FEBRUARY 2017

P.C.:

1. Not on board. Taken on board.
2. Heard learned senior counsel appearing for the Petitioners and the learned counsel appearing for the second Respondent as well as the learned APP for the first Respondent.
3. The learned counsel appearing for the second Respondent has placed on record a copy of the report filed by the Investigating Officer in the Court of the learned Metropolitan Magistrate claiming "C" Summary. It is pointed out that a Protest Petition

has been already filed.

4. In view of the report filed before the learned Metropolitan Magistrate claiming “C” Summary, at this stage, it is not necessary to entertain this Petition praying for quashing the First Information Report as well as the order of the learned Metropolitan Magistrate under Sub-section (3) of Section 156 of the Code of Criminal Procedure, 1973.

5. Accordingly, the Petition is disposed of. The learned Metropolitan Magistrate shall pass an appropriate order on the report claiming “C” Summary in accordance with law. In the event the report claiming “C” Summary is not accepted, it will be open for the Petitioners to file a fresh Petition for challenging the order which may be passed by the learned Metropolitan Magistrate as well as for claiming reliefs which are claimed in this Petition.

6. All contentions on merits are kept open.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S.OKA, J)