

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4770 OF 2015
ALONG WITH
WRIT PETITION NO.1375 OF 2016

CR.WP NO.4770 OF 2015

Ms.Nina John and Others. .. Petitioners
Vs
State of Maharashtra and Another. .. Respondents

—
Shri Shirish Gupte, Senior Advocate along with Shri Sanjay Kumar, Shri
Saleem Hasan and Shri Praveer Shetty i/b Res Legal for the Petitioners.
Shri K.V.Saste, APP for the Respondent No.1.
Shri S.R. Moray i/b Ms. Bhavana S. Kamble for the Respondent No.2.
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CR.WP NO.1375 OF 2016

Mr. Padmakar Raghunath Joshte. .. Petitioner
Vs
The Commissioner of Police, Mumbai & Ors. .. Respondents

—
Shri S.R. Moray i/b Ms. Bhavana S. Kamble for the Petitioner.
Shri K.V.Saste, APP for the Respondent Nos.1 to 3.
Shri Shirish Gupte, Senior Advocate along with Shri Sanjay Kumar, Shri
Saleem Hasan and Shri Praveer Shetty i/b Res Legal for the Respondent
Nos.4 to 8.
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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 17TH MARCH 2017

PC.

1. Writ Petition No.4770 of 2015 is filed praying for quashing the First Information Report being C.R.No.715 of 2015 registered with the MIDC Police Station. Writ Petition No.1375 of 2016 has been filed by the first informant seeking a writ of mandamus directing the Police to add offences under certain Sections of the Indian Penal Code as well as the Information Technology Act, 2000.

2. The learned APP has produced for perusal of the Court a copy of the final report filed by the Investigating Officer claiming “B” Summary.

3. In view of the filing of the final report, at this stage, it is not necessary to entertain the Petition No.4770 of 2015 for quashing the FIR.

4. As far as the Writ Petition No.1375 of 2016 is concerned, now remedy of the Petitioner is to file a Protest Petition. The learned counsel appearing for the Petitioner, therefore, seeks permission to withdraw this Petition with liberty to file Protest Petition by raising all contentions therein. Hence, we dispose of the Petitions by passing the following order:

ORDER :

- (a) Criminal Writ Petition No.4770 of 2015 is disposed of with a direction to the learned Additional Chief Metropolitan Magistrate, 27th Court, Andheri, Mumbai, to pass an appropriate order on the final report submitted by the Police after giving an opportunity of being heard to the first informant;
- (b) In the event, the final report claiming “B” Summary is not accepted, we grant liberty to the Petitioners in Criminal Writ Petition No.4770 of 2015 to file a fresh Petition in this Court for seeking the same relief;
- (c) Writ Petition No.1375 of 2016 is disposed of as withdrawn with liberty to the Petitioner to raise appropriate contentions by filing a Protest Petition before the learned Magistrate;
- (d) All contentions on merits are kept open.