

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5015 OF 2014

Vishwas Vasant Awaghade and ors.	Petitioners
versus	
The State of Maharashtra and anr.	Respondents

None for the petitioners.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 6th JUNE, 2017.

P. C. :

Nobody appears on behalf of the petitioners. Heard Mr. Saste, learned APP for the State.

2. The petition is filed for quashing and setting-aside the FIR No. 567 of 2014 registered with Panvel City Police Station for the offences punishable under Sections 498-A, 406 read with Section 34 of the Indian Penal Code, 1860.

3. During the pendency of the petition, the Panvel City Police Station has filed a "C" summary report before learned JMFC, Panvel. It is reported that the same is pending. Learned Magistrate is bound to

dispose of the said "C" summary report only after hearing the original complainant. In any case, the grievance of the petitioners raised in the petition, no more survives.

4. Mr. Saste, learned APP, on instructions, stated that even the directions issued by this Court in paragraph 7 of the order dated 19th April, 2017, are complied with. He has, accordingly, placed on record report dated 6th June, 2017 of the Assistant Commissioner of Police, Panvel Division, Panvel, Navi Mumbai and the order dated 12th May, 2017, issued by the Police Commissioner, Navi Mumbai. The report and the order do support Mr. Saste's contention that the directions issued in paragraph 7 of the order dated 19th April, 2017 are complied with.

5. By an order dated 17th March, 2017, this Court issued notice to the Assistant Commissioner of Police, Panvel Division, to show cause as to why an action should not be initiated against him under the Contempt of Courts Act, 1971. The notice was issued as despite two orders dated 19th January, 2017 and 28th February, 2017, the Assistant Commissioner of Police, Panvel Division, did not file an affidavit. After issuance of the show cause notice, the Assistant Commissioner of Police, Panvel Division, Navi Mumbai, filed two affidavits dated 13th April, 2017. In paragraphs 6, 7 and 8 of the first affidavit, the Assistant

Commissioner of Police has explained the delay in filing the affidavit. He has also tendered unconditional apology by filing the second affidavit. We accept the unconditional apology in the facts of the present case.

6. Since the petition is worked out and we have accepted the unconditional apology tendered by the Assistant Commissioner of Police, we do not propose to proceed further against him. The notice is, accordingly, discharged. The writ petition, accordingly, stands disposed off.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]