

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4972 OF 2015

Sanjoy Samrendra-Nath Choudhary and anr.Petitioners
versus
The State of Maharashtra and ors.Respondents

Ms. Varsha Palav i/b. The Laurerate, advocate for the petitioners.
Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 24th APRIL, 2017.

P. C. :

Heard Mr. Palav, learned counsel for the petitioners and
Mr.Yagnik, learned APP for the State.

2. The petitioners, by this petition, are challenging the notices dated 10th July 2015 and 24th July 2015 issued by respondent No.3-Sub-Inspector, Kasturba Marg Police Station, Mumbai, which are annexed to "Exhibit-G", "Exhibit G-1" and "Exhibit G-2". Having gone through the said notices, we find that respondent No.3 issued summons to the petitioners in pursuance of the complaint made by respondent No.4.

3. Learned APP does not dispute that those notices/summons were issued when respondent No.3 was holding preliminary enquiry on the complaint of respondent No.4.

4. We, however, fail to understand what was the need to respondent No.3 to issue such notices. Any way, Mr.Yagnik, learned APP, makes a statement that subsequently respondent No.3 came to the conclusion that the dispute raised by respondent No.4 in his complaint is of civil nature. Respondent No.4 thereafter filed a private complaint and in this private complaint, initially summons under Section 202 of the Code of Criminal Procedure, 1973, were issued and subsequently warrant was also issued against the petitioners. However, that warrant was cancelled by learned Magistrate at the instance of the petitioners.

5. In the above circumstances, Mr.Yagnik, learned APP fairly concedes that presence of the petitioners is not necessary. The statement is accepted.

6. In the light of the above statement, the grievance of the petitioner, no more survives. The writ petition is, accordingly, disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]