

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.130 OF 2016

Mr. S. Ramesh Kumar & Ramesh Kumar S. ... Petitioners

Versus

State of Goa & Ors. Respondents

Mr. Rohit Bras De Sa, Advocate for the Petitioners.

Mr. P. Faldessai, Additional Public Prosecutor for Respondent Nos.1 and 2.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 31 July 2018.

P.C. :

The petition is filed by the Petitioner for quashing the FIR No.300/2015 registered at the Ponda Police Station under Sections 406 and 420 of the Indian Penal Code against the Petitioner.

2. The learned Additional Public Prosecutor has placed before us the final copy of the report under Section 173 of the Criminal Procedure Code wherein the Investigating Officer has

proposed 'A Summary' on the ground that there is no sufficient evidence to proceed against the accused.

3. The learned Additional Public Prosecutor states that the final report is placed before the learned Magistrate. Before proceeding further the learned Magistrate will no doubt give notice to the complainant.

4. The learned counsel for the Petitioner states that in view of the 'A Summary' report submitted before the Magistrate, the cause of action in this petition does not survive and that in case the learned Magistrate does not accept the 'A Summary' report and direct further investigation liberty be given to the Petitioner to approach the Court.

5. In view of this position, since 'A Summary' report is now under consideration of the learned Magistrate, without going into the merits of the case, in view of the statement of the Petitioner, the petition is disposed of with liberty to the Petitioner as above.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.