

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.641 OF 2017
(Vishal s/o Tukaram Mantriwar vs. State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.K. Bhandarkar, Advocate for applicant.
Smt. K.S. Joshi, Additional Public Prosecutor for
respondent no.1.

CORAM : P.N. DESHMUKH AND
M.G. GIRATKAR, JJ.

DATED : JUNE 27, 2018

Smt. Joshi, learned Additional Public Prosecutor has filed on record affidavit-in-reply and copy thereof is supplied to learned Counsel for applicant.

None for respondent no.2 though served.

This application is filed for quashing of first information report bearing No. 392/2017 registered on the basis of complaint lodged by respondent no.2 against applicant for the offences punishable under Sections 363 and 366 of Indian Penal Code alleging kidnapping of his wife, namely, Gayatri and his daughter Aarohi. As per the complaint, the applicant/accused is a Forest Guard, known to the family of the complainant. On 20/5/2017 the victim along with her daughter was proceeding for funeral of her friend's mother-in-law when accused came at Kelzar Railway Station and made a phone call to victim that he is also going to the said funeral and asked her to accompany him. The complainant in order to go

with the accused in his car de-boarded the train along with his wife and daughter. However, the accused gave a jolt to the complainant and ran away with his wife and daughter.

According to affidavit-in-reply filed, during investigation it is revealed that applicant had not caused kidnapping either of wife or daughter of complainant as alleged in the complaint and, therefore, Investigating Agency has submitted "B" summary report dated 2/4/2018 before competent Court, which is registered as C.C. No. 45/2018. It is submitted that "B" summary report was filed on 14/6/2018 before competent Court.

In view of filing of "B" summary report as aforesaid, the criminal application is rendered infructuous. The respondent no.2, if finds necessary, can take necessary steps with regard to filing of "B" summary report before competent Court.

The criminal application is, therefore, dismissed as rendered infructuous.

JUDGE

JUDGE

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