

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.671 OF 2015

Mr.Charu Sharma & Ors.

..Petitioners

V/s.

State of Maharashtra & Ors.

.. Respondents

Mr.Amit Desai, Senior Advocate a/w Mr.Sanjay Udeshi, Gurpeet Singh, Akshay Udeshi i/b Sanjay Udeshi & Co. for the Petitioners.

Ms.Sangita Shinde, APP for the Respondent-State.

Mr.Makarand Kale i/b Mr.Akhil Kupade for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 15th JULY 2019

P.C.

1. Heard learned counsel appearing for the respective parties. The petition is filed for quashment of FIR bearing C.R.No.234 of 2014 registered with Bhoiwada Police Station for the offence punishable under Section 420 read with 34 of the Indian Penal Code.

2. The learned APP Ms.Shinde, placed on record a report dated 15.07.2019 by the Senior Police Inspector, Bhoiwada Police Station. The report discloses that there is no substance in the

allegation made in the said FIR filed by the respondent No.2-complainant and therefore C-Summary report is filed before the Metropolitan Magistrate, 29th Court, Bhoiwada.

3. In the light of the C-Summary report filed in subject FIR by the concerned Police Station the grievance raised in this petition shall not survive.

4. The learned counsel for the respondent No.2-complainant submits that this Court by ad-interim order dated 09.02.2017 restrained the Bhoiwada Police Station from filing the charge-sheet in subject crime and therefore, C-Summary Report could not have been filed. This submission cannot be accepted as the ad-interim order was granted at the instance of the petitioner who came for quashment of the subject FIR. It is also pertinent to note that even this Court permitted the Investigating Officer for continuation of the investigation in subject crime. When the Investigation Officer found that there is no substance in the said FIR, the C-Summary report was filed. If the respondent No.2-complainant wants to object the same he can always file protest petition before the Magistrate and the learned Magistrate shall decide the C-Summary Report after hearing both the

sides including the petitioner.

5. Subject to above we dispose of the petition and direct the learned Metropolitan Magistrate to dispose of the C-Summary Report as expeditiously as possible and within a period of four weeks from the date of receipt of this order.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)