

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 606/2013

Shri Mohan S/o Anant Khirsagar,
Aged 59 years, Occ. Retired Assistant Police
Commissioner, R/o. Yamai, Yograj Nagar, Tapovan,
Amravati

.... **APPLICANT**

// VERSUS //

- 1] The State of Maharashtra,
Through P.S.I., Nagpuri Gate,
Amravati, Tah & Dist. Amravati
- 2] Shri Haridas S/o. Ankush Shirsat,
Aged 57 years, R/o. Ramabai Ambedkar
Nagar, Amravati, Tah & Dist. Amravati

.... **NON-APPLICANT(S)**

Shri A.M. Ghare, Advocate for the applicant
Shri M.K. Pathan, APP for the non-applicant no. 1

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 02/11/2020

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

- 1] Heard Shri A.M. Ghare, Advocate for the applicant and Shri M.K. Pathan, learned APP for the non-applicant no.1 – State. Neither the non-applicant no. 2 nor his advocate appeared when the matter is called out.

2] By this application under Section 482 of the Code of Criminal Procedure, the applicant has prayed that the first information report registered against him for the offences punishable under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Section 7(1)(d) of the Protection of Civil Rights Act and Section 352 of the Indian Penal Code be quashed. The first information report is registered on the report given by the non-applicant no. 2.

3] The non-applicant no. 1 has filed an affidavit sworn by the Police Sub-Inspector, Police Station, Nagpurigate, Amravati on 20/10/2020 which is placed on record, stating that Enquiry Officer i.e. Assistant Commissioner of Police, Gadge Nagar Division conducted a detailed enquiry and found that the allegations made by the non-applicant no. 2 – first informant has no substance. It is stated that 'A' Final Summary Report No. 01/2020 dated 19/10/2020 is forwarded to the Sessions Court.

4] Learned advocate for the applicant submitted that the Sessions Court has not yet accepted 'A' Final Summary Report and the non-applicant no. 2 – informant has adopted dillydally tactics.

5] Be that as it may, in view of the fact that the Investigating Agency has submitted 'A' Final Summary Report to the Sessions Court, in our view, nothing survives for adjudication in this criminal application.

6] Hence, the criminal application is **disposed** accordingly.

It is clarified that if any adverse orders are passed by the Sessions Court, the applicant will be at liberty to take recourse to appropriate remedy as per law.

JUDGE

JUDGE