

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.318 OF 2021

**SHARDA W/O. RAJU RANDIVE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Kanade Angad L
APP for Respondent State: Mr. K. S. Patil

**CORAM : C. V. BHADANG AND
BHARAT P. DESHPANDE, JJ.**

DATE : 7 JUNE 2022

ORDER:

1. By this petition under Article 226 of the Constitution of India, the petitioners are seeking direction to respondent Nos. 1 to 4 to initiate enquiry and take penal action against respondent No.5 i.e. Sub Divisional Police Officer, Ashti, District Beed in accordance with provisions of Section 4 of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989.
2. We have heard learned counsel for the petitioners and learned A.P.P.
3. Learned counsel for the petitioners has pointed out the first information reports in Crime No.82/2019 of Police Station Patoda,

Crime No.175/2019 of Police Station Shirur(Kasar) and Crime No.98/2020 of Police Station Patoda in which respondent No.5 had filed B-Summary Reports before the concerned Special Courts. The learned counsel submitted that it is the practice of respondent No.5 to file such B-Summary Reports without proper investigation of the first information reports. It is in these circumstances, a direction is sought for conducting enquiry and taking penal action against respondent No.5.

4. Learned APP has pointed out that the final summary reports are filed way back in the year 2020 and there is nothing on record or in the petition to show that the petitioners who are the original complainants had contested the said final summary reports before the concerned Special Courts and whether they are accepted.

5. Faced with this, the learned counsel for the petitioners, on instructions, seeks leave to withdraw this petition as the petitioners intend to take recourse to appropriate remedy as may be available in law in respect of the said final summary reports. In view of this, the present petition is disposed of as withdrawn.

6. We make it clear that we have not examined merits of the allegations and circumstances in which final summary reports are filed and the rival contentions are left open to be decided by the concerned Special Court, if not already decided.

BHARAT P. DESHPANDE, J.

C. V. BHADANG, J.

JPChavan