

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

WRIT PETITION NO.2524 OF 2022

Samarjit Samrendra Bose and Anr. Petitioner
Vs.
RBL Bank Ltd. and Anr. Respondents

Mr. Rishabh Shah a/w. Mr. Anshul Anjarlekar, Ms. Saakshi Saboo
i/b Mr. Raval Shah for the Petitioner.

Mr. Nikhil Rajani i/b V. Deshpande & Co. for Respondent No.1.

Mr. A. R. Kapadnis, APP for Respondent-State.

Mr. Kadam, PSI, EOW Pune.

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.**

DATE : 25th AUGUST 2022.

P. C.

1. The grievance of the petitioner in the aforesaid petition is, that without registration of an FIR, the police could not have issued summons under section 160 of Cr.P.C., to the petitioner. In support of the said submission, learned counsel for the petitioner relied on the judgment of the Apex Court in the case of *Kulvinder Singh Kohli vs. State of NCT of Delhi & Ors.*¹. He submits that summons/notice under section 160 can be issued by the police officer only after the registration of an FIR. He further

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submitted that the police have till date, not registered the FIR, as against the petitioner and hence no notice could have been issued under section 160 of Cr.P.C..

2. Learned APP for the respondents does not dispute the legal position as contended. Learned APP, on the instructions of Mr. Kadam, PSI, EOW, Pune, who is present in Court, submits that the said notice issued to the petitioner under section 160 of Cr.P.C. will be withdrawn and thereafter summons/notice will be issued in accordance with law. Statement accepted.

3. In view of the statement made by the learned APP, on instructions of Mr. Kadam, PSI, EOW Pune, nothing survives for further consideration in the petition.

4. The petition is accordingly disposed of.

5. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.