

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION (APL) NO. 1064 OF 2011**

Subhash C. Dhavan

... Applicant

V/s.

Jagannath Prasad Shoke & Anr.

... Respondents

Ms.Vaishali Choudhari for Applicant.

Mr. H.J. Dedhia, A.P.P. for Respondent No.2-State.

API Mr. H.G. Oulkar, ACP Office Kalyan is present.

**CORAM : A. S. GADKARI &
SHARMILA U. DESHMUKH, JJ.****DATE : 10th August 2022.****PC. :**

1. At the outset learned A.P.P. on instructions from API Mr. H.G. Oulkar submitted that, after completion of investigation of Crime No. I-353 of 2011, the Police found that, the present crime has been registered by Respondent No.1 due to misunderstanding and Police have submitted "C-Final" Summary Report before Special Court under SCST Act at Kalyan on 19th September 2016. He tendered across the bar a photocopy of the said report along with a communication dated 10th August 2022 duly signed by the Assistant Police Commissioner, Kalyan Division, Kalyan addressed to the learned A.P.P. Same is taken on record.

2. In view thereof, the present Petition for quashing First Information Report vide C.R. No. I-353 of 2011 registered with Mahatma Phule Police Station, Kalyan filed by Respondent No.1 does not survive.

3. Petition is accordingly disposed off.

4. It is however made clear that, Respondent No.1 will be at liberty to contest the said Summary Report before the concerned Court, as may be permissible under the provisions of law.

[SHARMILA U. DESHMUKH, J.]

[A. S. GADKARI, J.]

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