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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 104 OF 2012

Mr. Balasaheb Kisanrao Gahandule)
Aged 54 years, Residing at G/6, Room No.9,)
Spaghetty Compex, Sector -15,)
Kharghar, Navi Mumbai – 410 290) .. Applicant
versus
1. The State of Maharashtra,)
(At the instance of Shanti Nagar)
Police Station))
2. Shri Abdul Jalil Abdul Ahmed Ansari)
Residing at 20-A/10B, Nahseeman)
Building, Bhiwandi, District Thane) .. Respondents

Mr. Meghashyam Kocharekar for Applicant
Ms. Anamika Malhotra, APP for Respondent No.1 -State

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 4th NOVEMBER, 2023.

ORAL JUDGMENT [Per- A.S. GADKARI, J.]

- 1) Heard Mr. Kocharekar, learned Advocate for the Applicant. Perused record.
- 2) Record indicates that by an Order dated 1st November, 2012 Rule and interim relief was granted in the present Application.
- 3) Mr. Kocharekar submitted that, apart from the facts mentioned in the Order dated 1st November, 2012, after completion of investigation of the

present crime i.e. C.R. No.I-298/2011, the Investigating Agency has filed 'B'-Summary Report in the Court of Judicial Magistrate First Class, 4th Court, Bhiwandi, District Thane. The said Report was contested by Respondent No.2 by filing a Protest Petition. The Learned J.M.F.C., 2nd Court, Bhiwandi by its Order dated 28th September, 2017 has accepted the said Summary Report. A photocopy of the Summary Report along with Order dated 28th August, 2017 is produced on record.

3.1) Mr. Kocharekar on instructions submitted that, Order dated 28th September, 2017 passed by the Learned Magistrate has not been challenged by the Respondent No.2 and has attained finality.

4) In view of the above, Application for quashing of C.R. No. 14 of 2012 arising out of OMA No.935 of 2011 registered with Shanti Nagar Police Station does not survive and is accordingly disposed off.

5) Rule is made absolute in the aforesaid terms.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)