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

WRIT PETITION NO.535 OF 2023

Arshad Ahmed Mohammed Ilyas
Siddiqui & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Niranjan Mundargi i/by Mr. Veerdhawal Deshmukh
for the petitioners.

Mr. A.R. Patil, APP for respondent no.1/State.

Mr. Prakash N. Ghag for respondent no.2.

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CORAM : AMIT BORKAR, J.

DATED : MARCH 17, 2023

P.C.:

1. Leave to amend. Amendment to be carried out forthwith.
2. By the impugned order, learned Metropolitan Magistrate 66th Court, Andheri, Mumbai has directed re-investigation of the offences in relation to which the prosecution had filed closure report. Such order was passed based on protest petition filed by the original informant. It is well settled that the Magistrate has no power to direct re-investigation.
3. In that view of the matter, the impugned order cannot be sustained. The impugned order dated 7th January 2023 passed by the learned Metropolitan Magistrate 66th Court, Andheri, Mumbai

in N.C. Summary Case No.768 of 2021 is quashed and set aside.

4. The writ petition is disposed of in above terms. No costs.

(AMIT BORKAR, J.)

Note: This order is modified as per order dated 31st March 2023 to correct N.C. Summary Case Number in paragraph 3.