

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

WRIT PETITION NO. 2862 OF 2022

Ujwala Baban Wetam & Ors. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 2948 OF 2023**

Dhruvnarayan Laxminarayan Singh ...Petitioner.
V/s.
The State of Maharashtra & Another. ...Respondents.

Mr. Ajinkya Udane for the Petitioner in WP/2862/2022
Ms. S. S. Kaushik, APP for the Respondent Nos 1 to 4-State in
WP/2862/2022
Mr. Kuldeep Patil i/b. Ms. Saili Dhuru for Respondent No. 5 in
WP/2862/2022

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ**

DATED : 2nd NOVEMBER, 2023

P.C.:

WP/2948/2023

1. Detagged.

WP/2862/2022

2. Mr. Udane, learned Counsel appearing for the Petitioners brought to our notice the order dated 29/09/2023 and submitted that in the said order Writ Petition No. 2948 of 2023 be corrected

to **Writ Petition No. 2948 of 2022**.

3. In view of above, we deem it appropriate to correct the Writ Petition No. 2948 of 2023 to **Writ Petition No. 2948 of 2022**.

4. Office to produce the papers of **WP/2948/2022** as directed in the said order dated 29/09/2023 on **07/11/2023**.

5. We have heard Mr. Udane, learned Counsel for the Petitioner, Mr. Patil, learned Counsel for the Respondent No. 5 and learned APP for the Respondent Nos. 1 to 4-State.

6. The prayer in the Petition is for quashing of the FIR in Crime No. 14 of 2014 punishable u/s. 386, 378, 341, 323, 504, 506 r/w. 34 of IPC. The FIR is registered based on the order dated 22/09/2014 passed by the Judicial Magistrate First Class, Sangali upon complaint preferred by the Respondent No. 5/Complainant pursuant to the provisions of section 156(3) of Cr.P.C

7. It appears that subsequent to the registration of the FIR, the matter was sent for investigation and the Investigating Officer has submitted a report to the Court of the Magistrate as could be noticed from the Report dated 17/11/2015 submitted on 11/01/2016.

8. In the aforesaid background, Mr. Udane would urge that after receipt of the report it was expected of the Magistrate to pass an

appropriate order in the matter.

9. According to him, keeping the proceedings pending against the present Petitioners is causing substantial prejudice particularly when no cognizable offence is disclosed in the Complaint.

10. Mr. Udane would urge that not only the order of investigation but consequential registration of the offence is liable to be quashed and set aside.

11. While countering the aforesaid submissions, Mr. Patil appearing for the Respondent No. 5 and learned APP would urge that the report is pending before the Magistrate for consideration. As such, it is claimed that an appropriate order may be passed in the matter.

12. We have appreciated the submissions.

13. Pursuant to the registration of the offence being Crime No. 14 of 2014 there appears to be a report submitted by the API of Sanjaynagar Police Station, Sangali before the Court of Judicial Magistrate First Class, Sangali.

14. We are of the view that the said Report is pending consideration and the Magistrate is yet to pass an order, accepting or rejecting the Report.

15. Mr. Udane is justified in claiming that the Respondent No.

5/Complainant is intentionally delaying the same inspite of there being notice the Respondent No. 5/Complainant is not assisting the Magistrate in expeditious disposal of the pending Report.

16. In response to above, Mr. Patil, learned Counsel for the Respondent No. 5/Complainant has assured that the Respondent No. 5/Complainant shall appear before the Magistrate on or before 04/12/2023 and shall submit his objections, if any, to the Report.

17. In the aforesaid background, we accept the statement made by Mr. Patil and request the Court of JMFC, Sangali who is dealing with the Report dated 11/01/2016 in Crime No. 14 of 2014 to dispose of the same expeditiously and in any case within a period of six months from the date of the first appearance of the Respondent No. 5 / Complainant.

18. The Petition accordingly stands disposed of.

(N. R. BORKAR, J)

(NITIN W. SAMBRE, J.)