



Patil-SR

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2791 OF 2022

Jagdish Manohar Mhatre & Anr.

...Petitioners

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. S. T. Pandey, Mr. Arvind Singh, Ms. Anima Mishra Ms. Ritu Singh and Ms. Kajal Anuj Singh i/b SBG Law. for the Petitioners.

Mr. S. S. Hulke, APP for the Respondent-State.

Mr. A. R. Gole for Respondent No. 2.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 9th October, 2023.

P. C. :

1. Learned APP on instructions from PSI M. S. Bhoir, Achole Police Station submitted that, after completing investigation of the present crime, the police have submitted report under section 169 of the Cr.P.C. before the J.M.F.C., 3rd Court, Vasai on 15th October 2022 as the investigating agency found deficient evidence against the Petitioner to submit final report under section 173(2) of the Cr.P.C. He submitted that, as original accused No.1, Ajit Pathare was reported to be dead, the case against him has abated.

2. In view thereof, present petition for quashing of C.R.No.261 of 2022 registered with Achole Police Station Mira-Bhayander Vasai-Virar Police Commissionarate does not survive and is accordingly disposed off.

3. It is needless to mention that Respondent No.3, the informant is at liberty to adopt appropriate legal proceedings in the said closure report, as may be permissible under the provisoin of law.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)