

- (b) *That this Hon'ble Court be pleased to direct further investigation to be carried out in the said MECR 02/2017;*
- (c) *That this Hon'ble Court be pleased to direct departmental inquiry against the Investigating Officer who carried out the investigation in the said matter and filed such a malicious report;*
- (d) *That the further investigation of this MECR NO. 02/2017 be transferred to any other investigating agency as this court may deem fit and proper in the interest of justice."*

3. Learned APP on instructions states that the police have filed a 'B' Summary Report before the learned Metropolitan Magistrate, 49th Court, Vikhroli, Mumbai on 17th June 2021 and that the petitioner has also filed a Protest Petition before the same Court, in January 2022.

4. Learned counsel for the petitioner does not dispute the same. He, however, states that no orders have been passed by the learned Magistrate either on the 'B' Summary Report or on the Protest Petition filed by the petitioner.

5. Since, 'B' Summary Report is pending before the learned Metropolitan Magistrate and so also the Protest Petition, we are not inclined to consider the reliefs as sought for, in this petition.

6. The learned Magistrate to decide the said 'B' Summary Report/Protest Petition, expeditiously.

7. Petition is accordingly disposed of on the aforesaid terms.

8. We make it clear, we have not gone into the merits of the petition and as such all contentions of all parties on merits, are kept open.

9. All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.