

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

CRIMINAL WRIT PETITION NO.131 OF 2023

Ashish Ashok Katariya

.... Petitioner

Versus

The State of Maharashtra and Ors.

.... Respondents

.....

Mr.Nitin Gaware Patil, Advocate for the Petitioner.

Mrs.P.P. Shinde, APP for Respondent – State.

Mr.N.S. Mundargi i/b. Mr.Satyam Nimbalkar and Mr.Abhishek Arote, Advocate for Respondent Nos.2 and 3.

PSI Sunil Jagdale, PSI, Parvati Police Station, Pune City, Pune, present.

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***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATED : 18th APRIL 2024.

P.C. :

1 The grievance of the petitioner in the aforesaid petition is, that although the petitioner had lodged an FIR as against five persons on 4th May, 2022, alleging offences punishable under Sections 406, 409, 418, 420, 465, 468, 471 and 477 and

120 B of Indian Penal Code (IPC), the police have filed charge-sheet only against two persons i.e. Punkaj and Bhalchandra. According to the petitioner, as far as the other three accused named in the FIR i.e. Kishor, Sanket and Rohan are concerned, the police have not filed charge-sheet nor any “A”, “B” or “C” Summary reports, as mandated, as a result of which, the petitioner is deprived of filing a Protest Petition. He submits that the police at the time of filing of the charge-sheet, as against the three accused have also kept the investigation open under Section 173(8) of Cr.P).C. and as such, the police ought to disclose to this Court, what investigation has been carried out till date.

2 Today, learned APP, on instructions, states that the police have carried out further investigation under Section 173(8) of Cr.P.C. and have not found the complicity of the three persons i.e. Kishor, Sanket and Rohan, in the said C.R., and, as such the police will be filing a report to that effect before the appropriate Court within three weeks from today. Statement accepted.

3 In view of the aforesaid, learned counsel for the

petitioner does not press this petition and seeks liberty to file appropriate proceedings before the appropriate Forum/Court for appropriate reliefs including for further investigation, in accordance with law.

4 The Writ Petition is accordingly disposed of, as withdrawn, with liberty as prayed.

5 We make it clear that we have not gone into the merits of the case and as such all contentions of all the parties are kept open.

6 All the concerned to act on the authenticated copy of this Order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE J.