

(a) To issue contempt notice against Respondent No.1 and 2 for making false statement before the Hon'ble Court in the Criminal Writ Petition (Stamp) No.7160 of 2023 on 01.09.2023 and further hold them guilty under Contempt of Courts Act, 1971.

(b) To issue any other and further orders may be passed as the Hon'ble Court deems fit and proper in the interest of justice;

(c) Compensatory costs to the Petitioner by the Respondents as this Hon'ble Court may deem fit”.

3. Perused the papers. According to the learned Counsel for the petitioner, an incorrect/wrong statement was made by the learned A.P.P, on the instructions that after completion of the investigation, charge-sheet has been filed in the Metropolitan Magistrate 10th Court, Andheri, Mumbai on 5th August, 2023. Reliance was placed on the said statement made by the learned A.P.P, on instructions, as reflected in the order dated 1st September, 2023 passed in Writ Petition [Stamp] No.7160 of 2023.

4. Learned A.P.P, on instructions, states that the concerned officer had made an inadvertent statement on the said date i.e on 1st September, 2023 as there was another C.R in the same Police Station by a similar name. She submits that as far as the present case

is concerned, the Police after investigation have filed “C Summary” Report and the petitioner has filed Protest Petition in the same. She submits that the said statement made by the officer on 1st September, 2023 was made inadvertently and not intentionally and, as such, the question of initiating contempt proceeding does not arise.

5. Having heard the learned Counsel for the petitioner, we accept the explanation given by the learned A.P.P and do not find that the said statement made by the officer concerned, was made maliciously or deliberately, so as to initiate contempt proceeding against him.

6. Considering the aforesaid, the contempt petition being devoid of merit is dismissed and accordingly, disposed of.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]