



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL WRIT PETITION NO. 979 OF 2024

SHAIKH RASHID S/O SHAIKH RASUL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Shaikh Kayyum Najir – Advocate for Petitioner

Mr. K.B. Jadhavar – APP for Respondent No.1, State

Mr. Rameez M. Shaikh – Advocate for Respondent Nos.2 to 9

...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 19.11.2025

PER COURT :

1. Heard. Perused the record.
2. The petitioner has raised challenge to the order dated 18.02.2017 rendered by the learned Judicial Magistrate First Class, Gangapur, Dist. Aurangabad (*'the learned Magistrate'* for short), whereby granted 'B' Summary Report filed by respondent No.1 in Crime No.I-246/2015 came to be accepted and the said order was further confirmed by the learned Additional Sessions Judge, Vaijapur, Dist. Aurangabad in Criminal Revision Application No.06/2017.
3. The petitioner, who is original complainant and the husband of respondent No.2 had filed Criminal M.A. No.560/2015 under Section 156(3) of the Cr.P.C. before the learned Magistrate, who by order dated 07.12.2015 directed to register Crime No.246/2015 for the offence Section 420, 406, 120B, 494, 497, 323, 500, 504, 201, 203 read with 34

of the Indian Penal Code ('I.P.C.' for short) against respondent Nos.2 to 9. Accordingly, the concerned Investigating Officer conducted investigation and filed a 'B' summary report. Aggrieved by the same, the petitioner presented a protest petition. However, the learned Magistrate considering the report and statements of witnesses accepted the 'B' summary report vide order dated 18.02.2017.

4. As such, aggrieved by the same, the petitioner preferred Criminal Revision Application before the Sessions Court, Vaijapur. The learned Additional Sessions Judge, Vaijapur, after recording finding that the learned Magistrate had rightly exercised the jurisdiction rejected the revision application. Hence, the petitioner has approached this Court by way of this petition.

5. It is contention of learned Counsel for the petitioner that the learned Magistrate failed to consider the objections raised in the protest petition. Furthermore, the Investigating Officer did not conduct the investigation properly and that there was sufficient material to proceed against the accused. Hence, the learned Magistrate erred in accepting the 'B' summary report and that the revisional Court failed to exercise its revisional powers. Hence, prayed to allow the petition.

6. Per contra, learned A.P.P. and learned Counsel for respondent Nos.2 to 9 have supported the order and prayed for dismissal of the petition.

7. I have heard the respective Counsel for the parties and perused

entire record made available. It is settled position of law that once the report is filed by the investigating agency before the learned Magistrate, the Magistrate may accept the same. The learned Magistrate using judicial discretion independently may accept the same or direct further investigation.

8. In the instant case, the learned Magistrate having applied judicial mind, has rightly recorded the finding that there is no sufficient material to proceed against the accused while accepting the 'B' summary report. Consequently, the proceedings were dropped holding that the case is not fit to take cognizance.

9. Thus, perusal of the orders under challenge do not indicate error warranting exercise of revisional and extraordinary powers of this Court. Resultantly, no error is noted in the orders under challenge passed by the Courts below. As such, the petition does not warrant any interference.

10. Accordingly, the Criminal Writ Petition is dismissed.

[SACHIN S. DESHMUKH, J.]