

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

CRIMINAL WRIT PETITION NO. 5538 OF 2024

Sanjay Dattatray Kakade And Anr ...Petitioners
Versus
State Of Maharashtra And Anr ...Respondents

Mr. Harshad Nimbalkar, Senior Advocate i/b. Mr. Satyam H. Nimbalkar a/w. Mr. Abhishek Arote, Advocate for the Petitioners.

Mr. S. V. Gavand, APP for the State.

R. R. Bharsar, PSI Warje Malwadi Police Station.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 7th JANUARY, 2025

P.C. :-

1. The learned APP has placed on record the communication dated 6th January, 2025, signed and sealed by the Senior Police Inspector, Warje Malwadi Police Station Pune (city) stating therein that after an order was passed under Section 156 (3) of the Code of Criminal Procedure (for short "Cr.P.C), the investigation was carried out, and a C-Summary Report with Warje Malwadi Police Station Outward No.12492/2024, dated 10th

December, 2024, has been tendered before the learned Trial Court. He submits that after hearing all the parties, the concerned Court would pass an order on the C-Summary Report. He, therefore, contends that this Petition is premature. The Communication dated 6th January, 2025 is taken on record and marked as 'X' for identification.

2. The learned Advocate for the Petitioners, on instructions, submits that this Petition can be disposed off. However, if the learned Trial Court passes an order refusing to accept the C-Summary report, the parties may have to approach this Court for seeking quashing of the F.I.R.

3. In view of the above peculiar facts and circumstances, **this Petition is disposed off** as withdrawn, on instructions. Needless to say, if the Trial Court declines to accept the C-Summary Report, the legal remedy available to the Petitioner seeking quashing of the F.I.R. is kept open.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)