

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 281 OF 2025

Surjit Singh S/O Amrik Singh

Saini And Ors

...Applicants

Vs

The State Of Maharashtra

..Respondent

Mr. Rajkumar Mishra, i/b Ms. Shakti Deengar, for the Applicants.

Ms. Kranti T. Hiwrale, APP for Respondent-State.

API Mr. Yogesh Gaikar, Shanti Nagar Police Station, Bhiwandi present.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

Date : 19th MARCH 2025.

P.C.:-

1. By this Application, the Applicants seek quashing of the impugned notice dated 7th February 2025 issued to the Applicants under Section 91 of the Code of Criminal Procedure, 1973 ('Cr.P.C.'), arising out of C.R.No.1383 of 2024, registered with the Shanti Nagar Police Station, Bhiwandi, Thane.

2. The premise on which the Applicants seek quashing of the impugned notice is, that the police could not have issued a notice under Section 91 of the Cr.P.C. to the Applicants, who are accused. Learned counsel has tendered a compilation of judgments on which he

seeks reliance, in support of the said submission i.e. *State of Maharashtra v. The Nagpur Electric Light & Power Company Ltd. & Anr.*¹ and *State of Gujarat v. Shyamlal Mohanlal Choksi*²

3. Learned APP, on instructions, after going through the said judgments submits that the impugned notice issued to the Applicants will be withdrawn by the police forthwith and in any event, within 24 hours. Statement accepted.

4. In view of the statement made by the learned APP, nothing survives for further consideration in the Petition.

5. Petition stands disposed off.

6. All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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1 1961 BCI 61 (Bombay High Court); 1961 AIR (Bom) (242)

2 1965 AIR (SC) 1251