

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

CRIMINAL WRIT PETITION NO. 2175 OF 2014

Arun Mehta

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Ms. Deepti Chanda/w. Leon Samuel for the Petitioner.

Mr.Prasad Rane i/b. H.H.Gagi & Associates for the Respondent no.2

Mr.J.H.Ramugade, APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : OCTOBER 07, 2015.

P.C.

1. Heard. Rule. Rule made returnable forthwith. With the consent of parties matter is taken up for hearing.

2. The petitioner herein is the accused no.2 in C.C.No.500/SS/2013 pending on the file of the Metropolitan Magistrate's 33rd Court, Ballard Estate, Mumbai, under Section 138 r/w. 141 of the Negotiable Instruments Act.

3. The petitioner has challenged the order of issuance of process against him mainly on the ground that the petitioner had retired w.e.f. 1.10.2012, that is much before the issuance of the cheque and as such he is not liable to be prosecuted under Section 138 r/w. 141 of the N.I.Act.

4. The learned Counsel for the Respondent no.2, under instructions, submits that the respondent no.2-complainant does not wish to proceed against the petitioner.

5. In the light of the said statement, the petition is allowed qua the petitioner. The order of process issued against the petitioner, and the proceeding arising out of C.C.No.500/SS/2013 in the Metropolitan Magistrate, 33rd Court, Ballard Estate, Mumbai is hereby quashed qua the petitioner.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct as per the original signed judgment/order.