

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

rpa

**CRIMINAL WRIT PETITION NO.2674 OF 2009
WITH
CRIMINAL APPLICATION NO.420 OF 2012**

Lodha Co-op. Housing Society Ltd. & Ors. .. Petitioners
Vs.
Madhusudan Leasing & Finance Ltd. & Ors. .. Respondents

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None for the Petitioners.
Mr.Rajendra Soraankar, Advocate for Respondent No.2
Mr.Ajay Patil, A.P.P. for Respondent – State.

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CORAM : M. L. TAHALIYANI, J.

DATED : JANUARY 28, 2015.

P.C. :

None for the petitioners. The respondent no.1 had filed an application bearing number 420 of 2012 for vacating the stay granted by this Court on proceedings pending in the Court of Metropolitan Magistrate 9th Court, Bandra, vide criminal case no.26/SW/2006. The said application was decided by this Court on 22nd September, 2014. The Court has recorded that instead of hearing the application for vacating the stay, it would be just and proper to decide the Writ Petition No.2674 of 2009 itself in which stay has been granted in favour of the petitioners.

2 The petitioners have prayed for quashing of the said criminal case pending in the Court of Metropolitan Magistrate 9th Court, Bandra. They are absent today. Their advocate is also absent. The learned counsel for the petitioners had submitted before the Court on 22nd January, 2015, that he had no instructions from the petitioners and requested for adjournment. Adjournment was accordingly granted and it was directed by the Court that the petition should be heard on 28th January, 2015 i.e. today.

3 None is present for the petitioners today also. As such, it is apparent that the petitioners are not interested in prosecuting the petition.

4 Hence, I pass the following order:

:: ORDER ::

(i) The Writ Petition stands dismissed for want of prosecution.

(ii) Stay stands vacated.

(iii) In view of dismissal of the Writ Petition, Criminal Application No.420 of 2012, does not survive and is disposed of accordingly.

(JUDGE)