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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4595 OF 2014**

1. Mrs. Usha Pran Raina
2. Mrs. Chandrika Pradeep Ragji
3. Mrs. Jayashree Sanjay Panindre
versus

....Petitioners

1. Senior Inspector of Police, Dindoshi Police Station
2. State of Maharashtra
3. Mr. Ketan Dattatraya Kumbhar

....Respondents

Mr. B. G. Tangsali, advocate for the petitioners.
Mr. F. R. Shaikh, APP for the State.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 5th February, 2015.

P.C.:

Heard learned counsel appearing for the petitioner and learned
APP for the State.

2. The petition is filed under Article 226 of the Constitution of India for quashing the proceedings of C.R.No.112 of 2014 dated 1st July, 2014 registered with Dindoshi Police Station at Malad East against the petitioner, at the instance of respondent No.3, for the offences punishable under Sections 3, 4, 7A, 7AA and 8 of the Maharashtra Educational Institutes (Prevention of Capitation Fee) Act, 1987. Under

Section 4 of the Maharashtra Education Institutions (Prohibition of Capitation Fee) Act, 1987, the State Government is authorized to regulate the tuition fee or any other fee that may be received or collected by any education institution for admission to, and prosecution of study in any class or standard or course of study of such institution in respect of any or all classes of students. In exercise of powers under Section 4 of the Maharashtra Education Institutions (Prohibition of Capitation Fee) Act, 1987, the State Government has enacted the Maharashtra Educational Institutions (Regulation of Fee) Act, 2011 (for short "the 2011 Act"). In terms of Section 1 (3) of the 2011 Act, the said Act was to come in force on such date as the State Government by notification in the Official Gazette may appoint. Learned counsel for the petitioner asserts and learned APP does not dispute that the 2011 Act came into force w.e.f. 1st December, 2014 by publishing notification in Government Gazette dated 29th November, 2014.

3. The present CR is registered on 1st July, 2014 under the Maharashtra Educational Institutes (Prevention of Capitation Fee) Act, 1987 for contravention of provisions of Sections 3, 4, 7A, 7AA and 8 of the said Act. Capitation fee, however, was regularized by 2011 Act which came into force w.e.f. 1st December, 2014. Thus, on 1st July, 2014, the petitioners could not said to have contravened the provisions of Maharashtra Educational Institutes (Prevention of Capitation Fee) Act,

1987. The the proceedings of C.R.No.112 of 2014, therefore, cannot be sustained. The petition, accordingly, deserves to be allowed and same is made absolute in terms of prayer clause (a) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)