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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.121 OF 2002.

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| 1. Swami Vivekanand Shikshan Vikas Mandal Trust, |] | |
| a Public trust registered under the Bombay Public |] | |
| Act, 1950, having its office at Himalaya High |] | |
| School, Shantinagar, S. V. Road, Borivali (W) |] | |
| Bombay 400 02 |] | |
| |] | |
| 2. Mrs. Ruma Chakravarty |] | |
| |] | |
| 3. Mr. Bhaishankar Rawal |] | |
| |] | |
| 4. Mr. Shantilal M. patel |] | |
| |] | |
| 5. Mr. Dhirajlal Parikh |] | Petitioners. |
| |] | |
| 6. Mr. Yogesh S. Patel |] | |
| |] | |
| 7. Mr. Naresh Rawal |] | |
| |] | |
| 8. Mr. Bhavesh Parikh |] | |
| |] | |
| 9. Mr. Ashok S. Patel |] | |
| |] | |
| All having their office at Swamit Vivekanand Inter- |] | |
| national school, situated at RSC-16, Gorai road |] | |
| Borivali (W), Bombay 400 091 |] | |

Versus

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|-----------------------------|---|--------------|
| 1) The State of Maharashtra |] | |
| |] | Respondents. |

2) Dr. Z.R. Haria,]
2, Shrinath Apartment]
Harekrishna CHS L,S.V. Road, Borivali (W)]
Mumbai 92.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 17TH FEBRUARY 2016.

Oral Order :

1. Heard learned counsel for the petitioner.
2. Learned counsel for petitioner has pointed out that Writ Petition No.1245 of 2000 and Writ Petition No.1569 of 2000, as per office note appearing in the cause list, have been disposed of on 6.1.2009 and 10.1.2001, respectively. Initially they were also tagged alongwith this writ petition. Due to subsequent orders, this writ petition alone remained on file. However,he points out that original complainant Dr.Z. R. Haria, has filed an affidavit in December, 2002 stating that in view of the facts discovered by him, subsequent to filing of F.I.R. he is convinced that he does not want to proceed against the petitioner in the present case, and therefore, this Court may pass appropriate orders.
3. As per order passed by this Court on 29.7.2015, learned APP was directed to seek instructions in the matter and place before the Court,

facts relating to present stage of investigation. Learned APP on the basis of instructions, submits that record of Local Crime Register of the year 2001 to 2005 is not available being already destroyed and therefore, he is unable to give information to this Court about progress of investigation. However, learned APP submits that he has contacted on phone the original complainant Dr. Z. R. Haria, and he has reiterated what is stated in his affidavit dated 3rd December, 2002, that on being satisfied with the facts which were disclosed subsequent to filing of F.I.R., he is no more interested in pursuing the matter. Further, learned counsel for petitioner has also pointed out letter issued by Deputy Director of Education, Mumbai dated 13th December, 2001 permitting Swami Vivekanand International School, Gorai, Borivali to charge fees of Rs.600/-.

4. In view of these facts on record, Writ Petition is allowed in terms of prayer clause (a).

[DR. SHALINI PHANSALKAR-JOSHI, J.]