

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 919 OF 2010

Rajni Parikh and Another.

..Petitioners.

Versus

Navin Hariram Somaiya & Another.

..Respondents.

Mr. Manoj J. Bhatt for the Petitioner.

Mr. A. R. Kapadnis, APP for the State.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.

Date : **September 15, 2017.**

P. C. :

1. By this petition, the Petitioner seeks quashment of the proceedings of private complaint bearing No. 142/W/1983, which is re-numbered as CC No. 380/SW/2005 and pending on the file of learned Metropolitan Magistrate, 8th Court, Esplanade, Mumbai. Respondent No. 1 herein is the Complainant.

2. When this petition was placed for hearing on last occasion, i.e., on 7th September 2017, the learned Counsel for the Petitioner made a statement that Respondent No.1 has expired. We, therefore, directed the learned APP to ascertain the said fact through concerned Police Station and place a report on record. Mr. Kapadnis, the learned APP today placed on record report dated 18th September 2017 made by the Senior Inspector of Police, Sion Police Station, Mumbai. The report shows that Respondent No.1 has expired on 18th January 2017. Along with the report, police have tendered the death certificate of Respondent No.1 as well as the statement of son of Respondent No.1. The said report and statement is taken on record.

3. In the light of above, the proceedings pending in the Court of learned Metropolitan Magistrate is abated. Nothing survives for consideration in this writ petition and therefore same is accordingly disposed of.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]