

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1350 OF 2007

Kamlesh Morarji.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Mukul Taly, Ms. Sanchita Sridhar i/b S. Mahomedbhai & Co., for
the Petitioner.

Mrs. M. M. Deshmukh, APP for the State.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **July 13, 2017.**

P. C. :

1. The learned Counsel appearing for the Petitioner at the
outset makes a statement that he is restricting this petition to the
relief claimed in prayer clause (b). Statement accepted.

2. Prayer clause (b) of the petition reads thus :

“In alternative to prayer clause (a) above, this Hon'ble
Court be pleased to invoke its inherent jurisdiction to
quash and set aside the Criminal Complaints, a list
whereof is at Exhibit-D, as fully compromised and
compounded.”

3. The learned Counsel appearing for the Petitioner
contends that Respondent No. 2 has filed following complaints against
the Petitioner which is contrary to the scheme sanctioned by the BIFR
by the order dated 14th September 2006 as modified by the order
dated 5th December 2006 :

[1] C.C. No. 2056/SS/2005,

[2] C.C. No. 2057/SS/2005,

[3] C.C. No. 2072/SS/2005,

[4] C.C. No. 1228/SS/2005.

4. Learned counsel also tendered copies of the orders dated 6th June 2012 passed in aforesaid complaints. Perusal of the same reveals that all these complaints have been dismissed under section 256 of the Code of Criminal Procedure, 1973 as no steps were taken by the complainant. Learned counsel makes a statement that complainant thereafter filed restoration applications, however, those application have been dismissed by learned Metropolitan Magistrate on merit.

5. In above circumstances, the relief claimed by the Petitioner in this writ petition has rendered infructuous. **Writ petition is accordingly disposed of.** Needless to mention that in the event said complaints are restored to the file, the Petitioner is at liberty to apply to this Court for modification of this order.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]