

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4514 OF 2017

Rajiv Shukla s/o. Vijaynath Shukla	..Petitioner
Versus	
Special Executive Magistrate, Dindoshi Division and ors.	..Respondents.

Mr. Altaf Khan with Ms Kavita Rathod and Mr. Vivek Shukla i/b Anjali Awasthi for the Petitioner.

Mr. J.P. Yagnik APP for the Respondent – State.

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.
DATE : 24th JANUARY, 2018.**

PC.

1] The petitioner has approached this Court being aggrieved by the order dated 26th September 2017 and 9th May 2017 under the provisions of Section 111 of Code of Criminal Procedure, 1973.

2] Perusal of the notice/order dated 9th May 2017 would reveal that a case was registered with Dindoshi Police Station for assaulting the witnesses vide Crime No.232 of 2017.

3] The petitioner has placed on record a copy of the order dated 15th December 2017 passed in Writ Petition No. 4950 of 2017. Perusal of the said order would reveal that the first informant in

Crime No. 232 of 2017 along with the present petitioner had jointly requested for quashing of FIR No. 232 of 2017. The Division Bench of this court, (Shri. Naresh H. Patil and Shri. Nitin W. Sambre,JJ) vide order dated 15th December 2017 recorded the finding that the incident arose out of some trivial issue between the society members and as the parties have amicably settled their differences and dispute, had allowed the petition and quashed and set aside the said FIR. It could thus be seen that on very basis of which the impugned notice is issued, i.e., FIR No. 232 of 2017 itself is now not in existence.

4] In that view of the matter, we find that the petition deserves to be allowed and the same is allowed by quashing and setting aside the orders dated 26th September 2017 and 9th May 2017 in Chapter Case No. 15 of 2017 and Court Case No. 30 of 2017.

[B. P. COLABAWALLA, J.]

[B. R. GAVAI, J.]