

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1617 OF 2018

Rafique Maqbool Ibrahim Qureshi ... Petitioner
V/s.
The State of Maharashtra and Ors. ... Respondents

Mr. A.H. Singh, for the Petitioner
Mr. Deepak Thakre a/w. Mr. A.D. Kamkhedkar, APP for the
Respondent-State.
Mr. Kaustubh Thipsay, for Respondent No. 2.

**CORAM : B. P. DHARMADHIKARI AND
REVATI MOHITE DERE, JJ.**

DATE : 6th MARCH 2019.

P.C.:

. Petitioner a builder and Respondent No. 2 consumer are jointly before this Court for quashing of First Information Report dated 31st May, 2017 which is under Sections 406 and 420 of Indian Penal Code and Sections 3 and 4 of M.O.F.A. The Petitioner submits that because of some technical problems, occupancy certificate is getting delayed and hence possession could not be handed over. The issue is now amicably settled between the parties.

2. Learned PP has pointed out that there are several violations and

unless and until those violations are rectified, the possession cannot be handed over. According to him, there may be several other flat owners effected by this action.

3. The report received by learned PP from Investigating Officer shows the remarks by Chief Executive Officer of Housing Board, S.R.A. which point out certain violations.

4. We are therefore not inclined to intervene in extraordinary jurisdiction.

5. Rejected.

(REVATI MOHITE DERE, J.)

(B.P. DHARMADHIKARI, J.)