

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 5844 OF 2019

Mrs. Shahin Paravin Rashid Ali and anr. ... Petitioners

Versus

State of Maharashtra and anr. ... Respondents

Adv Hafeezur Rahman a/w Abdul Millwala for the petitioners.

Adv Moinuddin Chaudhari for respondent no. 2.

Dr. F.R. Shaikh, APP for the respondent State.

CORAM : B.P. DHARMADHIKARI &
NITIN R. BORKAR, JJ.
DATE : JANUARY 22, 2020

P.C.:

Petitioners are present with their advocate. Complainant respondent no. 2 is present with her advocate. Learned APP appears for the State.

2. Prayer is to quash and set aside the FIR and consequential charegesheet and criminal case under section 380 read with 34 IPC. The parties are relatives of each other. The complainant has tendered affidavit dated 10/12/2019. She orally states that she is not interested in prosecuting the matter now.

3. Learned APP points out that the alleged theft which has taken place on 21/4/2018 was reported on 30/10/2018 and

thereafter police completed the investigation and also filed chargesheet. He also points out that in the affidavit giving no objection the complainant does not point out whether she has received back the ornaments or not.

4. After hearing the respective counsel/parties, we find that nothing fruitful will come out of the litigation. We are therefore, inclined to exercise extra ordinary jurisdiction. However, the same shall be subject to the parties paying amount of Rs.10,000/- each to the Police Welfare fund of respondent no.1 State of Maharashtra.

5. Thus subject to payment of that amount within four weeks from today, we make the rule absolute in terms of prayer clause (b).

(NITIN R. BORKAR, J.)

(B.P. DHARMADHIKARI, J.)