

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3673 OF 2021**

Mohammed Nawaz ... Petitioner

Versus

The State of Maharashtra and Anr. ... Respondents

Mr. Niranjan Mundargi with Mr. Arun Panicker, Mr. Ravi Kotian i/by Mr. Arjun Singh Thakur, for Petitioner.

Mr. A.M.Saraogi, for Respondent No.2.

Mr. S.V.Gavand, APP, for State.

**CORAM: S.J. KATHAWALLA &
ABHAY AHUJA, JJ.**

**DATE: 28th DECEMBER, 2021
(VACATION COURT
THROUGH VIDEO CONFERENCING)**

P.C.:

1. By the above Writ Petition, the Petitioner seeks the following reliefs :

“(a) This Hon’ble Court may be pleased to quash the Criminal Proceedings vide Criminal Case No.PW/4700107/2020 before Addl. Chief Metropolitan Magistrate, 47th Court at Esplanade, Mumbai, arising out of the CR No.127/2016 registered at Pydhonie Police Station subsequently registered by Economic Offence Wing Unit II vide C.R.No.47 of 2016 dated 25/05/2016 against the Petitioner;

(b) Look Out Notice/Circular & NBW if any, issued by concerned authorities/courts pertaining to the said case be set aside & quashed;”

2. We have perused the papers, more particularly the undertaking of the Petitioner being Exhibit D to the Petition at page 317 and Exhibit E i.e. the order

dated 23rd February, 2021 passed by Prakash D. Naik, J. The undertaking and the directions given in the said order are complied with. Pay Orders aggregating to Rs.55 Lakhs are handed over by the Advocate for the Petitioner to the Advocate for Respondent No.2. The learned Advocate for the Petitioner on instructions states that upon presentment of the Pay Order/s for encashment, the same shall be honoured and shall not be dishonoured on any ground whatsoever. The statement is accepted as an undertaking given to this Court.

3. In view of the above, by consent, the Writ Petition is allowed in terms of prayer clauses (a) and (b) above. It is clarified that prayer clause (a) and (b) pertains only to the Petitioner and not to the other accused against whom an FIR has been filed.

4. The Writ Petition is accordingly disposed of.

(ABHAY AHUJA, J.)

(S.J.KATHAWALLA, J.)