

CRIMINAL WRIT PETITION NO. 4884 OF 2021

Mr. Y.M. Nakhwa, A.P.P for the Respondent – State.

DATE : 25th NOVEMBER, 2022

P.C.:

1. Heard the Learned Counsel for the parties.
2. By this Petition, the Petitioner seeks quashing of the FIR registered vide C.R. No. 22 of 2012 with the D.B. Marg Police Station, Mumbai, for the alleged offences punishable under sections 406, 420, 504 and 506 of the Indian Penal Code.
3. We are informed that although charge has been framed in the said case on 5th August, 2014, there is no progress, whatsoever, in the case,

and that even the respondent No. 2 is not coming forward for recording of his evidence. Quashing is essentially sought on the ground of delay in recording of the evidence.

4. Learned APP states that the trial can be expedited, considering that the CR is of the year 2012. Ld. APP assures that the prosecution will keep all the witnesses present before the court on the date fixed, for recording evidence, by the Court. He submits that the prosecution intends to examine only about 5 witnesses in the case.

5. Accordingly, without going into the merits of the Petition, having regard to the assurance given by the learned APP, we direct the learned Metropolitan Magistrate, 18th Court at Girgaon, Mumbai (Case No. 66/PW/2014) to decide the said case expeditiously and in any event, within 6 months from the date of receipt of this order.

6. We make it clear that we have not heard the petition on merits, and as such, the Learned Judge to conduct the trial on its own merits.

7. The Writ Petition is accordingly, disposed of on the above terms.

8. All concerned to act on the authenticated copy of this order.

R.N. LADDHA, J.

REVATI MOHITE DERE, J.