

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

WRIT PETITION NO. 3912 OF 2021

Tony Lokhande @ Anthony	...Petitioner
vs.	
The State of Maharashtra and Anr.	...Respondents

Adv. Archana Shukla i/by Sudha Dwivedi - Advocate for the Petitioner
Ms. S. D. Shinde – APP for the Respondent No. 1-State

**CORAM : PRASANNA B. VARALE &
 S. M. MODAK, JJ.**

DATE : 21st MARCH, 2022

P. C. :-

1. Heard the learned counsel for the Petitioner. The learned counsel submitted that the present Petition was filed for seeking quashment of F.I.R. bearing 33 of 2021 registered at Kherwadi Police Station, Mumbai for the commission of offence under Sections 506 and 509 of the Indian Penal Code.

2. During the pendency of the Petition, the Petitioner-Tony Lokhande @ Anthony expired on 17/11/2021. The copy of the Death Certificate issued by the Competent Authority is placed on record and same is taken on record and marked “X” for identification.

3. In view of the death of the Petitioner, the counsel for the Petitioner

prayed for withdrawal of the Petition.

4. Considering the fact namely death of the Petitioner, who is sole accused, as referred to in the copy of the Charge-sheet placed on record at page 9, it can be said that the continuity of the proceedings would be nothing but futile exercise. As such the proceedings arising out of F.I.R. No. 33 of 2021 registered at Kherwadi Police Station Mumbai is quashed and set aside. The Petition is disposed of accordingly.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)