

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3759 OF 2022

Rafid Jalil Bardi

...Petitioner

Versus

1. The State of Maharashtra
2. Abdul Shukoor Gafoor Pathan

...Respondents

Mr. Ali Bubere, for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Uman N. Dalvi a/w Mr. Mujtaba Shaikh, for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 5th DECEMBER, 2022

P.C. :

1. By this petition, the petitioner seeks quashing of the FIR i.e. C.R.No. I-45 of 2003 registered with the Nizampura Police Station, Bhiwandi, Thane, for the alleged offences punishable under

Sections 279, 323, 363, 392, 427 r/w 34 of the India Penal Code and Section 134A, 184 of the Motor Vehicles Act, 1988. Quashing is sought on the premise, that the parties have amicably settled their dispute.

2. Since the case was of the year 2003 and since, neither the FIR was available nor were the learned Counsel for the respective parties, aware of the proceeding before the Trial Court (papers being unavailable), vide order dated 6th October, 2022, we directed the learned Judicial Magistrate, First Class, Bhiwandi, Thane, to submit a report with respect to the case status of C.R. No. I-45 of 2003 registered with the Nizampura Police Station, Bhiwandi, Thane. The concerned Court has accordingly, submitted its report dated 19th October, 2022. In the said report, the learned 7th Joint Civil Judge, Junior Division, Bhiwandi, Thane, has stated that the Assistant Superintendent has submitted her report stating therein, that the police had filed chargesheet in the said case on 10th July, 2003 and that the chargesheet was numbered as R.C.C.No. 559 of 2003. It is

further stated that the said case was decided on 31st March, 2008 and that the accused have been acquitted of the offences in the said case. It is further stated, that from a perusal of the report submitted by the Assistant Superintendent, it appears that the physical file of the said case is yet not found.

3. Considering the aforesaid report submitted by the learned Judicial Magistrate, First Class, Bhiwandi, wherein, it is stated that the case against the petitioner has been decided and that the accused (including petitioner) have been acquitted, learned Counsel for the petitioner does not press this petition and seeks leave to withdraw this petition.

4. The petition is accordingly disposed of as withdrawn.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.