



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 731 OF 2022

WITH

INTERIM APPLICATION NO. 3280 OF 2023

Rashmi Shukla

.....Petitioner/Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Mahesh Jethmalani, Senior counsel a/w Mr. Pranav Badheka and Ms. Gunjan Manla i/by Mr. Sameer Nangre for the Petitioner/Applicant.
Dr. Birendra Saraf, Advocate General with Smt. A.S. Pai, P.P. with Mrs. M.H. Mhatre APP, for the Respondent-State.

CORAM : A. S. GADKARI AND
SHARMILA U. DESHMUKH, JJ.

DATE : 8th SEPTEMBER, 2023.

P.C.:-

1) Mr. Jethmalani, learned Senior counsel for the Petitioner/Applicant seeks leave to delete Respondent No.2 from the array of Respondents.

Leave granted.

1.1) Amendment be carried out forthwith and in any event during the course of the day.

2) By the present Petition under Article 226 of the Constitution of India, the Petitioner has prayed for quashing of proceeding arising out of C.C. No.290/PW/2022, pending on the file of Metropolitan Magistrate 8th

Court Esplanade, Mumbai and other consequential reliefs.

3) Mr. Jethmalani, learned Senior counsel submitted that, by a communication dated 19th October, 2022 duly signed by the Joint Secretary, Home Department, Government of Maharashtra, the Police Commissioner of Mumbai has been informed about the fact that, the State has declined to grant sanction to prosecute the Petitioner. The said communication is produced on record along with an index thereof. He further submitted that, learned Magistrate has already taken cognizance by its Order dated 28th April, 2022 without waiting for the sanction from the Competent Authority to prosecute the Petitioner.

4) Mr. Saraf, learned Advocate General appearing for the State has not disputed the said fact.

5) In view of the fact that, the State has declined to grant sanction to prosecute the Petitioner, Petition is allowed in terms of prayer clause d(1).

6) In view of quashing of C.C. No.290/PW/2022, the Order dated 28th April, 2022 passed by the learned Magistrate taking cognizance, does not survive.

7) In view of disposal of Petition, Interim Application No.3280 of 2023 does not survive and is also disposed off.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)