

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

CRIMINAL WRIT PETITION NO.1169 OF 2023

Rupesh Chaudhary	.. Petitioner
Vs.	
1. The State of Maharashtra,	
Through MIDC Police Station, Andheri, Mumbai	
2. Champaklal Durlabh Kantharia	.. Respondents

Mr. Shyam Dewani, i/by Mr. Mandar Goswami, for the Petitioner.

Mr. K.V. Saste, APP for Respondent No.1–State.

Mr. Vishal M. Deshmukh for Respondent No.2.

CORAM : SUNIL B. SHUKRE & M.M. SATHAYE, JJ

DATE : 31ST MARCH, 2023.

P.C. :

1. For the reasons separately recorded in the Judgment, we pass the following order :-

(i) The petition is allowed in terms of prayer clause (b),
which reads as under, subject to following conditions :-

“(b) That this Hon’ble Court be pleased to issue the writ of certiorari or any other appropriate writ and/or order/ direction in the nature of writ to quash and set aside the First Information Report dated 14.10.2011 bearing No.549 of 2011 dated 14.10.2011 under Sections 465, 468, 471, 420 of the Indian Penal Code and First Report (Charge-Sheet) dated 04.06.2012 pending in the Court of Addl. Chief Metropolitan Magistrate, Andheri 22nd Court, Andheri, Mumbai.”

- (ii) The petitioner shall deposit an amount of Rs.15,000/- and respondent no.2 shall deposit an amount of Rs.5,000/- in the account of Mumbai Police Welfare Fund, the details of which are as given below, within a period of four weeks from the date of the order, failing which this order shall stand cancelled automatically and the petition shall stand restored to its original file and listed before this court for further directions.

Mumbai Police Welfare Fund

Bank Name : Axis Bank

Branch Name : Lamington Road,

A/c. No.: 465010100008693

IFSC No. : UTIB0000465

- (iii) Put up for compliance after six weeks.
- (iv) The authenticated copy of the operative part of this order be furnished to the learned counsel for the petitioner and also to the learned counsel for respondent no.2.

[M.M. SATHAYE, J.]

[SUNIL B. SHUKRE, J.]