

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

CRIMINAL WRIT PETITION NO. 2491 OF 2022

Firoz Bhola Khan

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Jyoti R. Sahu for the Petitioner

Ms. P. P. Shinde, A.P.P for the Respondent No.1-State

Ms. Meghna Gowlani for the Respondent No.2

PSI Mr. Vijay Mohite, from Parksite Police Station, Vikhroli (West), is present

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
MONDAY, 6th MARCH 2023**

P.C :

1 By this petition, the petitioner seeks quashing of the FIR/proceeding initiated at the behest of the respondent No.2, on the premise that the respondent No. 2 is unavailable and does not remain present before the trial Court and as such, the trial cannot proceed.

2 Learned counsel for the petitioner has tendered a copy of the Roznama to show that the respondent No. 2 has failed to remain present before the concerned Court. The said Roznama is taken on record.

3 Ms. Gowhani appearing for the respondent No. 2/original complainant states that the premise on which the quashing is sought i.e. non-availability of the complainant before the trial Court, does not survive, inasmuch as, the complainant is very much available and will appear before the trial Court as and when summoned. She further states that the respondent No. 2 will appear and depose before the trial Court as and when summoned and will not seek any adjournments and shall cooperate in the conduct of the proceeding pending before the trial Court.

4 In view of the above, nothing survives for

consideration in the aforesaid petition. Petition is accordingly dismissed.

5 We are informed that charge is framed in the said case in 2018. Learned Judge to decide the case as expeditiously as possible and in any event, within 16 months from the date of receipt of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.