

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4029 OF 2024

Hifuzurrehman Kadiwal Abdullah & Anr.

...Petitioners

Versus

Orchid Enclave Co-Operative

Housing Society Limited & Anr.

...Respondents

Mr. Yashpal Thakur a/w Mr. Omkar Mulekar a/w Ms. Sanjana Pardeshi,
for the Petitioners.

Mr. Aditya Mithe a/w Mr. Krishna Tiwari a/w Mr. Shreyas Mohari i/b
Vis Legis Law Practice, for the Respondent No.1.

Ms. P. P. Bhosale, APP for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATED: 11th JUNE 2025

P.C.:

1. Heard Mr. Thakur, learned Counsel appearing for the Petitioners,
Mr. Mithe, learned Counsel appearing for the Respondent No.1 and Ms.
Bhosale, learned APP for the Respondent-State.

2. By the present Writ Petition filed under Article 227 of the
Constitution of India, the challenge is to the legality and validity of the
order dated 19th January 2024 passed by the learned Metropolitan
Magistrate, 6th Court, Mazgaon, Mumbai. By the impugned order, delay
of about 102 days in filing the complaint under Section 138 of the
Negotiable Instruments Act, 1881 (“NI Act”) has been condoned, subject
to cost of Rs.4,000/- to be paid to DLSA, Bandra.

3. After arguing the matter extensively, as the Court is not inclined to interfere in the impugned order, learned Counsel appearing for the Petitioners, on instructions of the Petitioners, seeks withdrawal of the Writ Petition.

4. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such.

5. Resultantly, order dated 19th January 2024 passed by the learned Metropolitan Magistrate 6th Court, Mazgaon, Mumbai, below Exhibit-1 in C.C. No.0601590/Misc./2023, condoning delay in filing the complaint is confirmed.

[MADHAV J. JAMDAR, J.]