

Suresh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.937 OF 2025**

Yogesh Chandarana & Anr ...Petitioners

Versus

The State Of Maharashtra & Anr. ...Respondents

**Mr. Viral Rathod with Mr. Vishwatej Jadhav, and Mr. Rakesh
Kumar Singh, for the Petitioners.**

Mr. B. B. Kulkarni, APP for the Respondents.

CORAM Dr. Neela Gokhale, J.

DATED: 14th July 2025

PC:-

1. The Petitioners seek quashing of order dated 30th September 2023 passed by the Metropolitan Magistrate, 10th Court, Andheri, Mumbai whereby the complaint bearing C.C. No.108/SW/2021 filed before the said Court was dismissed for default.

2. Heard Mr. Rathod, learned counsel appearing for the Petitioners. He submits that the complaint has been made on 9th February 2021 by the Petitioners/Complaints who are senior citizens. The complaint is against their nephew i.e. the Respondent No.2 herein that he was giving them threat of

physically assault and extortion as well. The Respondent No.2 according to the Petitioners was harassing the Petitioners and was also demanding of Rs.2 Crores from them.

3. The Petitioner had made a complaint dated 5th December 2020 to the Juhu Police Station, but it is their grievance that no action was taken by the Police.

4. In these circumstances, the Petitioner made a complaint before the Metropolitan Magistrate, Andheri, Mumbai. According to Mr. Rathod, the observation of the Metropolitan Magistrate that the matter is 10 years old was not quite correct since the complaint itself was filed in the year 2021. He further fairly admits that since the Petitioners are senior citizens about 70 years of age, they were not able to pursue their Advocate to attend the date before the Metropolitan Magistrate. It is for this reason that he seeks restoration of the said complaint before the learned Magistrate.

5. Since the complaint was dismissed without notice to the Respondent No.2 herein, there will be no hardship to

Respondent No.2 if the complaint is restored and decided on merits.

6. Mr. Rathod, learned counsel appearing for the Petitioner agrees to pay Rs.10,000/- with the **Bar Council of Maharashtra and Goa Advocate Aid Fund**. Details of the bank account for payment of costs are as under:

Account No. 10996711937

Bank Name: State Bank of India

Branch Name: Mumbai Main Branch

IFSC Code: SBIN0000300

7. In view of the aforesaid, the order dated 30th September 2023 passed by the Metropolitan Magistrate, 10th Court, Andheri, Mumbai is quashed and set aside. The complaint bearing C.C. No.108/SW/2021 be restored to its original file.

8. Needless to state that the complaint shall be decided on its own merits without being influenced by the observations made in this order.

9. Petition is disposed off as allowed.

(Dr. Neela Gokhale, J)