



Esha

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 19 OF 2026

MANISHA SHUBENDRA MEHTA

... PETITIONER

~ VERSUS ~

SHAMA PARVIN MUSTAK PANIGATTI

... RESPONDENT

APPEARANCES:

for the Petitioner

Mr. Terence Vaz

for the Respondent

Mr. Arun Talaulikar

CORAM : AMIT S. JAMSANDEKAR, J.

DATED : 26th MARCH 2026

P.C:

1. Liberty is granted to the Petitioner to pay the balance Court fee in the Registry.
2. Heard the learned Counsel for the Petitioner and the learned Counsel for the Respondent.

3. By the present Petition, the Petitioner has challenged the order dated 08.11.2024, passed by the learned Judicial Magistrate First Class, Ponda Court. By the impugned order, the learned Judge has held thus:-

“The Complainant was granted opportunities to appear and proceed with the present Complaint, however, the Complainant has failed to do so.

It appears that the Complainant is not interested in the present Complaint. Hence, the present Complaint is dismissed for non-prosecution.

Written and pronounced in the open Court.

Proceedings closed.”

4. The learned Advocate for the Petitioner submitted that the impugned order is perverse, in view of the fact that the Petitioner has led evidence in the proceedings and in fact, on 18.07.2024, the Petitioner has also filed final written arguments. My attention is drawn to the Roznama dated 18.07.2024, which reads thus:

“Called out today. Adv. F. Andrade present for the Complainant and files Exbt.D-51 Application for exemption of Complainant. O.P. Granted. Exbt.D-52 Written Arguments on behalf of the Complainant. O.P. File. Adv. M. Da Costa present for the Accused and files Exbt.D-53 Application for exemption of

Accused. O.P. Granted. Matter is adj and fixed for final argument of accused at 10.00 a.m. on 22.08.2024.”

5. It is thus clear that the final written arguments were filed by the Petitioner (the original Complainant) and the matter was kept for filing written arguments of the Respondent on 22.08.2024. In view thereof, the impugned order passed by the learned Magistrate is without reference to the Roznama dated 18.07.2024. The learned Magistrate has completely ignored the fact that the matter was kept for filing written arguments of the Respondent.

6. Therefore, the impugned order is clearly perverse.

7. In view thereof, the Petition is allowed in terms of prayer clause (i) of the Petition, which reads thus:

“(i) For a Writ of Certiorari or Writ in the nature of Certiorari or any other appropriate writ, order or direction to quash and set order dated 08/11/2024 passed by the Hon'ble Judicial Magistrate First Class in Criminal Case No. 182/OA/NLA/2021/B dismissing the said proceedings for non-prosecution and restoring the said proceedings before the Hon'ble Judicial Magistrate First Class at Ponda Goa.”

8. The Criminal Writ Petition **stands disposed of.**

9. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR, J.]