Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 755 OF 2016

Priyankar Bibhuti & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

.....

- Mr. Aabad Ponda, Senior Advocate a/w Mr. Mohammad Shameer, Ms. Chitra Rentala, Mr. Parikshith K., Ms. Aneeta Mathew and Mr. Utkarsh Mishra, i/by Trilegal, Advocates for Petitioner Nos. 6 & 9
- Ms. Shilpa G. Talhar, APP for State
- Mr. Wasim Shaikh, API, Turbhe MIDC Police Station

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 17, 2026

P. C.:

1. Heard.

2. On 13.08.2026, this Court passed the following order:-

"1. *Heard Mr. Ponda, learned Senior Advocate for Petitioner Nos.6 and 9 and Ms. Talhar, learned APP for Respondent No.1 – State.*

2. In view of the order dated 24.09.2014 having been set aside by a subsequent order dated 12.01.2016, the present matter deserves to be allowed in terms of prayer clause (a) which reads thus:-

> *"a. For issuance of a writ of mandamus or such order and/or direction in the nature of mandamus or such other writ as this Hon'ble Court may deem fit for quashing and setting aside the impugned FIR No.II-26/2015 dated 16th May 2015 (Exhibit "I" hereto) registered by Respondent No.1 with Respondent No.2 against the Petitioners; and for directing the Respondents to withdraw all such proceedings which may have been filed by either of them pursuant to and/or in connection with FIR No.II-26/2015 dated 16th May 2015;"*

3. By virtue of orders dated 20.07.2026 and 31.07.2026 the prosecution was orally told to ascertain and verify the aforesaid

position. Despite the aforesaid, the learned APP requests the Court to keep the matter tomorrow to apprise the Court.

*4. Stand over to **14th August, 2026**. To be placed under the caption '**First on Board**' for passing appropriate order.*

3. Reference in the aforesaid order is with regard to two orders which have been passed subsequent to filing of the FIR on 16.05.2015. By virtue of both the orders passed by the Appellate Authorities, the license / cancellation orders were subsequently set aside by the Appellate Authority by order dated 12.01.2016. Said order has not been further challenged and has attained finality. In that view of the matter, the FIR which was filed prior to passing of the said orders has rendered itself infructuous. Hence there can be no further impediment in quashing and setting aside the FIR and allowing the present Petition in terms of prayer clause (a) of the Petition.

4. Learned APP, save and except, stating that the original complainant who had filed the complaint is not before the Court has not made any further submission. Learned APP would submit that in view of the breach of conditions, the FIR was filed by the private complainant. However the issue has become redundant in view of the subsequent orders passed by the Appellate Authorities. This Court cannot wait endlessly for the complainant to come to the Court according to his convenience. Matter was earlier listed in last week. Affidavit in reply has been filed by the original complainant pursuant to service effected on him but he is not present when the matter is

called out. I have seen the same. However, in view of the aforesaid reasons, the entire FIR having been rendered infructuous, the Petition stands allowed in terms of prayer clause (a).

5. In view of the above, Petition is allowed and disposed in terms of prayer clause (a).

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[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.08.17 20:58:39 +0530