

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

CRIMINAL WRIT PETITION NO.5422 OF 2018

Ravi Arya & anr. ... Petitioners

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Siddesh Bhole with Krupashree Sawant i/b Haresh Jagtiani & Associates for the Petitioners

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 15, 2019

P.C.:

1. In this Writ Petition under Article 227 of the Constitution of India and under section 482 of the Criminal Procedure Code, the petitioners seek directions to quash and set aside the complaint and order dated 19.10.2018 which was passed by the learned Additional Chief Metropolitan Magistrate, 40th Court, Girgaum, Mumbai.

2. The learned Counsel for the petitioners submits that notice is given to the office of the Public Prosecutor and respondent No.2. He produces the service. The learned Counsel submits that

despite service, nobody is appearing for respondent No.2.

3. The service shown is of 10.12.2018. Today, the matter is listed on board pursuant to the circulation granted yesterday and, therefore, it is necessary to give notice to respondent No.2. Hence, issue Court notice to respondent No.2, returnable on **12.2.2019**. In addition, the advocate for the petitioners may serve respondent No.2 by private notice and file an affidavit of service alongwith acknowledgement on or before the returnable date.

4. The learned Counsel for the petitioners is directed to furnish copy of the petition, if not furnished already. In the meanwhile, till the next date, the concerned police station i.e., Malabar Hill Police station to stay off its hands.

5. S.O. to **12.2.2019**.

(MRIDULA BHATKAR, J.)