

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.3482 OF 2026

Haresh J. Dharmani

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Amrut Joshi a/w. Mr. Anand Pai i/b. Mr. Ketan Dhavle, for the Petitioner.

Mr. S. S. Ghag, APP, for the Respondent-State.

Mr. Harshad Bhadbhade a/w. Ms. Vidhya Mangavde and Ms. Shagufa Patel, for Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED : 18th AUGUST 2026

PC:-

1. Heard Mr. Joshi, learned Counsel appearing for the Petitioner, Mr. Ghag, learned APP appearing for Respondent No.1-State and Mr. Bhadbhade, learned Counsel appearing for Respondent No.2.

2. In this Writ Petition, the challenge is to the order dated 26th May 2026 passed by the learned Judicial Magistrate (First Class), Mazgaon, Mumbai, below Exhibit-161 in C.C. No.1349/SS/2018.

3. After arguing the matter for some time, Mr. Joshi, learned Counsel appearing for the Petitioner, in view of the observations made in the first line of paragraph No.7 of the impugned order dated 26th May 2026, states that he has instructions to withdraw the said Application bearing Exhibit-161 filed in C.C. No.1349/SS/2018. He states that the Petitioner will file a fresh Application seeking appropriate reliefs, after recording of his statement under Section 313 of the Code of Criminal Procedure, 1973.

4. Accordingly, the said Application bearing Exhibit-161 filed in C.C. No.1349/SS/2018 is allowed to be withdrawn and disposed of as withdrawn.

5. Consequently, the impugned order dated 26th May 2026 passed by the learned Judicial Magistrate (First Class), Mazgaon, Mumbai passed below Exhibit-161 in C.C. No.1349/SS/2018 does not survive and quashed and set aside.

6. As the leave is granted to the Petitioner to file an appropriate Application after his statement under Section 313 of the Code of

Criminal Procedure, 1973 is recorded, all contentions, in that behalf of all the parties are expressly kept open.

7. The Writ Petition is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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