

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1543 OF 2015

Sudhakar Nivrutti Sonsale & Ors. .. Applicants

Versus

The State of Maharashtra & Anr. .. Respondents

Mr. S.M. Godsay, Advocate for the applicants.

Mr. U.S. Mote, APP for respondent/State.

CORAM : SMT.SADHANA S. JADHAV, J.

DATED : 20.04.2015

P.C. :-

1. Heard. Learned APP upon instructions submits that the order under section 156(3) of Cr.P.C. was passed by learned J.M.F.C., Aurangabad in RCC No.908 of 2013 on 07.06.2013. Pursuant to the said order, according to learned APP M.Case No.4 of 2013 was registered at Mukundwadi Police Station on 16.06.2013. Learned Counsel for the applicants fairly submits that the applicants had filed an application under section 438 of Cr.P.C. However, at that stage also the prosecution had not apprised the Court that M.Case No.4 of 2013 is registered at Mukundwadi Police Station. Learned APP upon instructions has also submitted that, in-fact, the said report has been relegated to Economic Offences Detection Branch for further investigation.

2. In view of this, learned Counsel for the petitioner also fairly submits that it would be futile exercise to challenge the order dated 07.06.2013, thereby directing investigation under section 156(3) of Cr.P.C. Learned Counsel for the petitioner submits, upon instructions, that the petitioner was not aware that M.Case No.4 of 2013 has been registered at Mukundwadi Police Station and he has learnt about the same only during the course of hearing of present application. In view of this, learned Counsel for the applicants seeks liberty to withdraw the present application, with further liberty to file an application seeking quashing of FIR on the basis of which M.Case No.4 of 2013 is registered at Mukundwadi Police Station. Liberty as prayed for is granted in the interest of justice.

3. In view of this, present application stands dismissed as withdrawn. It is made clear that present application has not been heard on merit. Hence, all contentions raised in the present application are kept open.

[SMT. SADHANA S. JADHAV, J.]