

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

CRIMINAL APPLICATION NO. 4509 OF 2014

Baburao Ganpat Shinde,
Age: 33 years, occu: Agri.,
R/o Nagamthan, Tq. Kirjat,
Dist. Ahmednagar.

...Applicant

versus

Shri Kalyan Jadhav,
Age : 46 years, Occu. Business,
K.J. Infrastructure Pvt. Ltd.
R/o 408/2010, Purunder Complex,
Mukundnagar, Industrial Area,
Mukundnagar, Dist. Pune 411 037

...Respondent

.....
Mr. V.V. Tarde, Advocate for applicant
Mr. R.K. Temkar, Advocate for respondent
.....

CORAM : A.I.S. CHEEMA, J.

DATED : 10th FEBRUARY, 2015

Order :-

1. Heard learned counsel for the applicant and learned counsel for respondent.

2. In this matter impugned order is at Exhibit-44, which shows that on 03-07-2014 the complaint was dismissed without process being issued. If process was not issued effect would be of discharge, and as such, present

application under section 378 of the Code of Criminal Procedure, is not maintainable.

3. Learned counsel for the applicant seeks leave to withdraw the application with liberty to move appropriate court for appropriate relief.

4. The application is allowed to be withdrawn with liberty as prayed for and disposed of as such.

(A.I.S. CHEEMA, J.)

MTK