

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 219 OF 2013

Shri Pradeep Narottam Harsora. ... Petitioner.
Versus
Smt. Pushpa N. Harsora & anr. ... Respondents.

WITH
CRIMINAL WRIT PETITION NO. 220 OF 2013

Shri Pradeep Narottam Harsora. ... Petitioner.
Versus
Ms. Kusum N. Harsora & anr. ... Respondents.

Mr. N.K. Thakur a/w. Mr. Prakash Naik, advocate for Petitioner.

Ms. G.P. Mulekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : AUGUST 26, 2015

P.C.:

1 The learned Counsel for the Petitioner fairly submits that the original applicant i.e. the present respondent No. 1 had initially filed proceedings against four persons. The respondent No. 1 had voluntarily sought to delete the respondent Nos. 2 to 4. However,

subsequently the original applicant had approached the Hon'ble Division Bench of this Court and sought the relief of impleadment of the same parties which were voluntarily deleted challenging the constitutional validity under Section 2(q) of the Protection of Women from Domestic Violence Act, 2005. The Hon'ble Division Bench of this Court had allowed the original applicant i.e. present respondent No. 1 to implead the original respondent Nos. 2 to 4 as party respondents. The Hon'ble Division Bench had further permitted the original respondent to not only implead the original respondent Nos. 2 to 4, but then also to merge it with the original proceedings initiated against the present petitioners despite the fact that the proceedings against the added respondents was withdrawn in 2007. The added respondents had approached the Hon'ble Apex Court by filing SLP No. 9132 of 2015. By an order dated 30th March, 2015, the Hon'ble Apex Court has stayed further proceedings against the petitioners i.e. against the added respondents.

2 The learned Counsel for the petitioner seeks liberty to withdraw the petitions. Liberty as prayed for is granted in the interest of justice. The Petitions stands dismissed as withdrawn. The proceedings before the Appellate Court have been concluded. Since there is no stay to the proceedings against the present petitioners, the learned Magistrate shall proceed against the present petitioners in accordance with law without being influenced by the withdrawal of the present petitions. Both the Petitions are disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)