

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3535 OF 2013

Haidar Ali	...	Petitioner
vs.		
Mr. Vipul Nagindas Kothari & Ors.	...	Respondents

Mr. Jubair Ahmed Khan, Advocate for the petitioner.
Mr. Viral Rathod i/b. Mr. Jharshad E. Palwe for respondent No.1.
Mr. Arfan Sait, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 14th October, 2015.

P.C.

The learned counsel for the respondent No.1, upon instructions, makes a statement that the original complainant i.e. the present respondent No.1 desires to withdraw the complaint as far as the present petitioner is concerned. In view of this, the Writ Petition deserves to be allowed as far as the present petitioner is concerned. However, the respondent No.1 herein shall file an application before the learned Magistrate before the next scheduled date indicating therein that he does not wish to prosecute the petitioner in the said complaint.

2. In view of this, the Writ Petition is allowed in terms of prayer clause (c). Needless to say that upon withdrawal of the complaint against the petitioner by the complainant, the proceedings in C.C. No.324/SW/2012 against the present petitioner shall stand quashed.

3. This Court by an order dated 14.10.2013 had stayed the proceedings before the trial Court. It is made clear that the proceedings are stayed only qua the petitioner and the learned Magistrate shall proceed against the other accused in accordance with law.

(SMT.SADHANA S.JADHAV, J.)