

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4322 OF 2014

Mr. Serle Extross & ors. ... Petitioners.  
Versus  
The State of Maharashtra & ors. ... Respondents.

WITH  
CRIMINAL WRIT PETITION NO. 4076 OF 2014

Mrs. Bernadette Rodrigues. ... Petitioner.  
Versus  
Shri Savio Kale & anr. ... Respondents.

WITH  
CRIMINAL WRIT PETITION NO. 3607 OF 2014

Maj. Gen I.F. D'cunha. ... Petitioner.  
Versus  
The State of Maharashtra & anr. ... Respondents.

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Mr. Amol Arun Shinde, advocate for petitioner in WP 4322/14.

Mr. Royden Fernandes i/b. Haresh Jagtiani and Associates, advocate  
for Petitioner in WP 3607/14.

Mr. Pawan Mali, advocate for Petitioner in WP 4076/14.

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

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : SEPTEMBER 9, 2015**

**P.C.:**

1 On 26/8/2015 the learned Counsel for the Petitioners had made a statement that the complainant has filed an application seeking relief of withdrawal of complaint. However, no orders were passed on the said application, in view of the fact that this Court had stayed the proceedings by an order dated 26/9/2014. This Court had directed the Magistrate to consider the application and that the stay granted by this Court should not be construed as an embargo for the learned Magistrate to pass appropriate orders on the application filed by the complainant. The Petitioners were granted liberty to file appropriate application. The application was already filed on 6/7/2015 for withdrawal of the complaint. The complainant was present before the Court. The learned Metropolitan Magistrate, 25<sup>th</sup> Court, Mazgaon has considered the application and has passed an order allowing the application seeking withdrawal of the complaint. The Order dated 2/9/2015 is taken on record and marked as Article-X for the purpose of identification.

2 In view of the withdrawal of the complaint, the prayers in the Petitions have become infructuous. Hence, the respective Counsel seek liberty to withdraw the Petitions. Liberty as prayed for is granted in the interest of justice on account of prayers becoming infructuous. The Writ Petitions stand dismissed as withdrawn and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)

**CERTIFICATE**

**Certified to be true and correct copy of the original signed Judgment/order.**