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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4671 OF 2015

Mr. Jagmohan C.Gupta ..Petitioner.
V/s.
State of Maharashtra and Ors. ..Respondents

Mr.A.H. Ponda i/by Mr.G.B. Kedia for the petitioner.

Mr. J.P. Yagnik, APP for the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 22nd DECEMBER, 2015**

P.C. :-

This petition is filed seeking direction to respondent nos. 2 to 5 to register the offence on the basis of the petitioner's complaint dated 4th September, 2015, 7th September, 2015, 17th September, 2015, 2nd October 2015 and 14th October, 2015.

2. Mr. Yagnik, learned APP having taken instructions from the concerned officer makes a statement that on receipt of the said complaints, petitioners have also approached the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai and filed the complaint under section 156 of the Code of Criminal procedure. This fact is not disputed by the learned counsel for the petitioner.

3. In the above circumstances, the learned counsel for the petitioner seeks leave to withdraw the petition. Leave is granted. Petition is dismissed as withdrawn.

4. In the interest of justice, learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai is directed to dispose of the petitioner's complaint bearing C.C. No. 407 of 2015 as expeditiously as possible and preferably within the period of four weeks from the receipt of the order. It is made clear that this order should not be construed as any opinion and learned Magistrate shall decide the complaint independently in accordance with law.

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)