

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

**CRIMINAL WRIT PETITION NO. 1031 OF 2016
(Harshawardhan S/o Raibhan Jadhav and another
V/s The State of Maharashtra and others)**

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Advocate for Petitioners : Mr. A.S. Shelke
APP for Respondent/State : Mr. D.R. Kale

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**CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.
Dated: August 22, 2016**

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PER COURT :-

The learned counsel appearing for the petitioners prays for adjournment. The prayer is rejected.

2. We carefully perused the pleadings, grounds and prayers made in the Petition. The prayer in the petition is for quashing and setting aside the proceedings bearing Sessions Case No. 273 of 2011 pending on the file of the Additional Sessions Judge, Aurangabad, arising out of the F.I.R. bearing C.R. No. I-2/2011 registered with Khultabad Police Station, Dist. Aurangabad.

3. It is the contention of the

petitioners that during the pendency of the Sessions Case No. 273/2011, all the disputes between the petitioners and Respondent Nos. 2 and 3 and other police officials involved in C.R. No.I-40/2011 have been amicably settled. The present case was filed against them due to misunderstanding between the petitioners and the police staff, who were on security duty of the Hon'ble Chief Minister.

4. Upon perusal of the allegations in the F.I.R. and other documents placed on record, the petitioner no.1 tried to run over the vehicle on the person of the informant, however, the informant rescued himself. Thereafter the petitioner no.1 got down from the vehicle and abused the informant and assaulted him on his private part by right leg.

5. Therefore, the allegations clearly disclose that the petitioner no.1, who is a sitting M.L.A., assaulted the Police Officers, who were on duty and petitioner no.2 assisted him, and therefore, the offences punishable under Section 307, 353, 354, 332, 504, 506 and 34 of the Indian Penal Code were registered, investigated and after

filing charge-sheet, the Sessions Case No.273/2011 is registered. In the above circumstances, we are not inclined to entertain the Petition.

6. At this stage, the learned counsel appearing for the petitioners seeks permission to withdraw the Petition. We allow the petitioners to withdraw the petition but unconditionally. The Petition is dismissed, as withdrawn unconditionally.

7. The observations made by us in this order are prima facie in nature, and the trial Court shall not get influenced by the said observations during the course of the trial.

(SANGITRAO S. PATIL, J.) (S.S. SHINDE, J.)

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