

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 570 OF 2016

Salman Mumtaz Sayyed & Ors.

... Applicants

V/s.

The State of Maharashtra & Ors.

... Respondents

...

Mr. Satyaram Radheshyam Gaud for the Applicant.

Dr. F. R. Shaikh, APP for the Respondent State.

Mr. Mukesh K. Badsiwai for the Respondent No. 2 & 3.

CORAM : A. S. OKA & A. A. SAYED, JJ.

DATE : 20 JULY, 2016.

P.C. :

1. Learned counsel appearing for the Applicants seeks permission to withdraw this application. He states that liberty may be granted to file a fresh application after the marriage between the 1st Applicant and the victim of the offence (3rd Respondent) is solemnized.

2. Though, we are allowing the Applicants to withdraw this Application with liberty as prayed, we make it clear that the issue whether on the basis of such marriage, the prayer for quashing can be considered is kept open. As and when such a fresh application is

filed, the Court will have to examine whether a case is made out for exercising power under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, application is disposed of as withdrawn with liberty as prayed subject to the observations made above.

(A. A. SAYED, J.)

(A. S. OKA, J.)