

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 773 OF 2016

Mr. Amar Singh s/o Jagdish Singh. .. Applicant
Vs
State of Maharashtra and Another. .. Respondent
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Shri Aaditya A. Gore for the Applicant.
Dr. F.R. Shaikh, APP for the Respondent No.1.
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CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 15TH JULY 2016

P.C.

1. Not on board. Taken on board.
2. Filing of this Application under Section 482 of the Code of Criminal Procedure, 1973 is nothing but a gross abuse of process of law. The Applicant filed a Criminal Writ Petition under Article 226 of the Constitution of India being Criminal Writ Petition No.1833 of 2016 praying for the same relief of quashing the same First Information Report which is the subject matter of this Application. The said Writ Petition was unconditionally withdrawn under the order dated 5th July 2016. No liberty was granted to file a fresh proceedings. For the same relief, now this Application under Section 482 of the Code of Criminal Procedure, 1973 is filed on 7th July 2016.

3. In normal course, this Court would have been justified in imposing heavy costs on the Applicant for abusing the jurisdiction of this Court.

4. However, the learned counsel appearing for the Applicant seeks permission to unconditionally withdraw this Application. He states that the Applicant will not file any fresh proceedings (Writ Petition and/or Application under Section 482 of the Code of Criminal Procedure, 1973) for quashing the same FIR. We accept the said statement as the undertaking of the Applicant. Only in view of this undertaking that we are permitting unconditional withdrawal of this Application without imposing any costs. Accordingly, the Application is dismissed as unconditionally withdrawn.

(A.A. SAYED, J)

(A.S. OKA, J)