

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

PUBLIC INTEREST LITIGATION NO.148 OF 2012

Shri Balasaheb Baburao Jambhulkar	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr. Pralhad Paranjpe i/b Mr. Sugandh B. Deshmukh for the Petitioner.
Mr. P.P. Kakade, AGP for the State/Respondents.
Mr. N.C. Walimbe i/b Mr. S.J. Rairkar for Respondent No.6.
Ms. Meena H. Doshi for Respondent Nos.14, 15 and 16.

**CORAM : NARESH H. PATIL AND
A.A. SAYED, JJ.**

27th January, 2016.

P.C.

1 Learned Counsel appearing for the Petitioner submits that the main focus of the Petitioner in the present Public Interest Litigation for seeking direction to register FIR against Respondent No.12 Smt. Nanda Prakash Mane. Learned Counsel appearing for the Respondent has placed on record a copy of the order dated 17 March 2015 passed by the Division Bench of this Court in Criminal Writ Petition No.4419 of 2013. Learned Counsel submits that the FIR was registered against Respondent No.12 on a complaint filed by third person on the similar allegations. Respondent No.12 Smt. Nanda Prakash Mane (since Retired) has challenged registration of FIR before the Division Bench of this Court. By an order dated 17 March 2015 this Court allowed the Criminal Writ Petition to be withdrawn with liberty at the request of the Petitioner therein namely, Smt. Nanda Prakash Mane.

2 Learned Counsel appearing for the Petitioner and the Respondents submit that the summary report is being filed by the State before the learned Magistrate in respect of Crime Register No.127 of 2013 registered at Vishrambaug Wada Police Station, Pune for an offence punishable under section 420 read with 34 of the Indian Penal Code and under section 7 of the Maharashtra Educational Institutes (Prohibition of Capitation Fee) Act, 1987.

3 Learned Counsel appearing for the Petitioner submits that in case such proceedings are filed and pending, the Petitioner would participate in the proceedings. Learned Counsel submits that in this view of the matter and due to subsequent developments the Petitioner be granted leave to withdraw the Public Interest Litigation by keeping the rights and contentions of the Petitioner open to approach appropriate forum.

4 Learned Counsel appearing for Respondent Nos.14, 15 and 16 submits that present Petition is not to be treated as a Public Interest Litigation. We do not express any opinion on the same.

O R D E R

- a) Leave is granted to withdraw the Public Interest Litigation.
- b) The rights and contentions of all the contesting parties are kept open in respect of the subject criminal proceedings.
- c) We do not express any opinion on the merits of the allegations made in the Petition, merits of the FIR registered and/or any summary proceedings to be filed before the Magistrate.

- d) Public Interest Litigation is disposed of with liberty.

(A.A. SAYED, J.)

(NARESH H. PATIL, J.)

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