

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Writ Petition No. 246 of 2016
[Sushma Dattatray Kondhalkar & five others Vs. State of Mah. & others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. R. M. Bhangde, Adv., for the petitioners.
 Mr. Rode, APP for respondent no.1.
 Mr. A.M. Quazi, Adv., for respondent no. 2.
 Mr. S.L. Kotwal, Adv., for respondent nos. 3 to 6.

- - - -

**CORAM : B. P. DHARMADHIKARI
AND
A.S. CHANDURKAR, JJ.**

DATE : 06th September, 2016

Heard on Pursis dated 6th September, 2016. It is signed by Petitioner No.1 – Smt. Sushma Kondhalkar and her counsel Shri R.M. Bhangde. They state that all petitioners wish to approach the Magistrate under Section 156 (3), Criminal Procedure Code and, therefore, for that purpose, present Criminal Writ Petition should be disposed of.

Learned APP appearing for respondent no.1 has no objection.

Learned Adv. Mr. Kotwal appearing for respondent nos. 3 to 6 submits that petitioners are conspiring to encroach and grab the public utility [PU] land in Reshimbag Layout and, therefore, present Criminal Writ Petition has been filed.

Learned Adv. Mr. Quazi appearing for respondent no.2 - Nagpur Municipal Corporation submits that the PU land in the layout is in possession of respondent no.2. He adds that if petitioners want to withdraw, they can always withdraw and there is no question of granting them any leave under Section 156 (3) of the Criminal Procedure Code.

This Court has not applied its mind to the merits of the controversy.

Petitioners want to move the Magistrate under Section 156 (3), Cr. P.C. The prayer in the present Criminal Writ Petition is to direct the respondent no.1 to register an FIR and to investigate into it.

In this situation, it is open to the petitioners to approach the Judicial Magistrate First Class with this grievance.

As this Court has not applied its mind to merits of the controversy, we accordingly, with liberty to the petitioners to approach the competent Court in terms of

Section 156 (3), Cr. P.C., **dispose of** the present Criminal Writ Petition.

No costs.

Judge

Judge

|hedau|

C E R T I F I C A T E

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by : R.B. Hedau,
Pvt. Secretary.

Uploaded on : 07th Sept. 2016

-0-0-0-0-

C E R T I F I C A T E

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by : R.B. Hedau,
Pvt. Secretary.

Uploaded on : 07th Sept., 2016

-0-0-0-0-