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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.711 OF 2016**

Baban Shankar Gawai and Ors.	... Petitioners
Vs.	
The State of Maharashtra and Anr.	... Respondents

**WITH
CRIMINAL WRIT PETITION NO.1292 OF 2016**

Rakesh Deviprasad Kumar and Ors.	... Petitioners
Vs.	
The State of Maharashtra and Anr.	... Respondents

CRI. WP/711/2016

Mr. Amarendra Mishra for the Petitioners.
Mr. N.B. Patil, APP for the Respondent No.1.
Mr. Mandar Soman a/w Mr. Deepak Pathak i/by Mr. Vijendra Suraj
Jabra for the Respondent No.2.

CRI. WP/1292/2016

Mr. Mandar Soman a/w Mr. Deepak Pathak i/by MKS Legal Associates
for the Petitioners.
Dr. F.R. Shaikh, APP for the Respondent No.1.
Mr. Amarendra Mishra for the Respondent No.2.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 21st MARCH, 2017

PC.

1 The prayer in both the matters is for quashing different
First Information Reports. As far as Writ Petition No.1292 of 2016 is
concerned, the first informant is an officer of the Municipal

Corporation. The incident complained of has occurred within the office of the Mumbai Municipal Corporation. The allegation is that the second petitioner therein came to the first informant and inquired about an application made by one Aditya Mahesh Dadarkar for grant of permission to construct a temporary structure for running his election office. The allegation is that the petitioners assaulted the first informant and threatened him. The allegation is that they tried to destroy the application filed on record.

2 Considering the fact that the incident has occurred in the office of the Municipal Corporation while the first informant was allegedly discharging his duty, only on the ground of settlement, FIR cannot be quashed and set aside. Faced with this difficulty, the learned counsel appearing for the petitioner seeks permission to withdraw the Petition with liberty to file a fresh Petition seeking quashing on merits.

3 In Writ Petition No.711 of 2016, the learned counsel appearing for the parties states that quashing on the basis of settlement was sought on the footing that even the FIR subject matter of Writ Petition No.1292 of 2016 will be quashed on the ground of settlement. Therefore, even the petitioners in this Writ Petition seeks permission to withdraw the Petition with liberty to file fresh proceedings for quashing

on the ground of merits.

4 Both the Petitions are disposed of as withdrawn with liberty to the petitioners to file fresh proceedings for quashing on the ground of merits. All contentions on merits are kept open.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)