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

WRIT PETITION NO.1401 OF 2017

Mrs. Asmi Biviji ... Petitioner.

V/s.

The State of Maharashtra
and anr ... Respondents

Mr. Ayaz Khan, for the Petitioner.
Ms. S. D. Shinde, APP for the Respondent State.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 13th NOVEMBER, 2017.

P.C. :

1] Since the Senior Inspector of Gav Devi Police Station, Mumbai, has communicated the petitioner their decision of not registering the subject F.I.R., in pursuant of the petitioner's complaint, learned counsel Mr. Ayaz Khan, having taken instructions, from his client, seeks leave to withdraw the petition with liberty to approach the Magistrate by way of private complaint.

2] Leave with liberty as prayed for is granted.

3] Petition is dismissed as withdrawn.

4] In the event, if such complaint is registered, learned

Magistrate shall decide the said complaint on it's own merits.

5] It is made clear that we have not gone into the merits of the matter and all the points and contentions raised by the parties are kept open.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]