

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.451 OF 2015**

Savio Gasper Dsouza
Versus

...Petitioner

S.H.A.M.K. Mercantile Pvt. Ltd. &
Anr.

...Respondents

**WITH
CRIMINAL APPLICATION NO.452 OF 2015**

Savio Gasper Dsouza & Anr.
Versus

...Petitioners

S.H.A.M.K. Mercantile Pvt. Ltd. &
Anr.

...Respondents

.....

Mr. Vinay J. Bhanushali for the Petitioners.
MR. Ram Mani Upadhyay for the Respondent No.1.
Mr. Y.M. Nakhwa, APP for the Respondent No.2-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th NOVEMBER, 2017.

P.C.:-

The Petitioner in Writ Petition No.451 of 2015 is an accused No.3 in C.C. No.2060/SS/2013 whereas the Petitioner Nos.1 and 2 in Writ Petition No.452 of 2015 are accused Nos.3 and 4 in C.C. No.3531/SS/2013 on the file of learned Metropolitan Magistrate, 58th Court, Bandra. By these Petitions the Petitioners have challenged the order of issuance of process under Section 138 of the Negotiable Instruments Act.

2. Mr. Ram Mani Upadhyay, the learned counsel for the Respondent No.1, under instructions submits that the Respondent No.1-Complainant does not wish to proceed against the Petitioners in the aforesaid Petitions i.e. accused No.3 in C.C. No.2060/SS/2013 and accused Nos.3 and 4 in C.C. No.3531/SS/2013 and that he will delete the name from the cause title of the respective complaints pending before the learned Metropolitan Magistrate, 58th Court, Bandra. The statement is accepted.

3. In the light of the said statement, the learned counsel for the Petitioners seeks leave to withdraw the Petitions. Leave as prayed for is granted.

4. The Petitions are dismissed as withdrawn.

(ANUJA PRABHUDESSAI, J.)