

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3060 OF 2017**

Taufeeque Ali Abbas Khan

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S.G. Rajput for the Petitioner

Mr. K. V. Saste APP for Respondent State

Mr. Suraj Gothwal for the Respondent No.2

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 20th SEPTEMBER, 2017**

P.C.

1 The Petitioner seeks quashing of the proceedings by consent. The above Petition has been filed by the Accused. The Learned Counsel appearing for the Petitioner Mr. Rajput states that the parties have amicably resolved the dispute. The Learned Counsel states that first informant i.e. the Respondent No.2 herein has filed an affidavit to the said effect which is at page 47 of the writ paper book. However, our attention is drawn to the order dated 18-7-2014 passed by the Division Bench of this Court (V. M. Kanade and P. D. Kode JJ) in Writ Petition No.2640 of 2014. The Division Bench allowed the withdrawal of the said Petition by granting liberty to the Petitioner to take out appropriate proceedings before the Trial Court for discharge. The Petitioner in the said Petition is the same Petitioner as in the instant Petition.

2 In our view, having regard to the said order dated 18-7-2014, we do not deem it appropriate to exercise powers under Section 482 of the Criminal Procedure Code on the ground that the dispute between the parties is amicably resolved. However, it would be open for the Petitioner to approach the Trial Court by filing an application for discharge wherein it would be open for him to plead all such facts as according to him are relevant for the purposes of seeking discharge. If any such application is filed, needless to state that the Trial Court would consider the same on its own merits and in accordance with law.

3 With the aforesaid observations, the above Criminal Writ Petition is disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]