

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3919 OF 2012

Yogendra Pukhraj Vyas.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. G. R. Patire i/b O. K. Shaikh for the Petitioner.

Mr. A. R. Kapadnis, APP for the State.

Mr. Yogendra Rajgor i/b Satish Dedhia for Respondent No. 2.

Mr. Sudhir D. Dalvi, PI from Kandivali Police Station is presnet.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.

Date : **October 13, 2017.**

P. C. :

1. The petition is filed for quashing and setting aside the proceedings of criminal case bearing CC. No.31/SW/2012 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai. The learned Counsel for the Petitioner states that this complaint was filed under section 156 of the Code of Criminal Procedure, 1973 and in this complaint order under section 156(3) of the Code was already passed and in pursuance of the said order, Kandivali Police Station has registered MECR No. 4 of 2012 against the Petitioner and others for the offence punishable under sections 203, 420, 465, 467, 468, 471, 474, 504 and 506 read with 34 of the Indian Penal Code, 1860.

2. By the order dated 18th October 2012 this Court issued

directions thereby directing the investigating agency not to file charge-sheet till further orders. The learned APP, on instructions, makes a statement that now the investigation is over and the Investigating Officer of the subject crime is ready with the charge-sheet. He submits that interim direction not to file charge-sheet may be vacated so as to enable the Investigating Officer to file charge-sheet before the concerned Magistrate.

3. The learned Counsel for the Petitioner submits that he has no objection to the vacation of interim directions and filing of the charge-sheet in the subject crime. He also states that the Petitioners are ready and willing to face trial. He, therefore, seeks leave to withdraw the petition with liberty to approach the trial Court for discharge after filing of the charge-sheet.

4. Leave granted. In the light of above, we dispose of the petition as withdrawn.

5. Needless to mention that interim protection stands vacated. The Petitioner is however at liberty to apply for discharge after filing of the charge-sheet. All points and contentions of the respective parties are kept open.

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]