

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1190 OF 2017**

Surendra Navnath Kshirsagar & Ors. ...Petitioners
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Rushita Jain i/b Mr. Amit G. Kasbe for the Petitioners

Mr. S. R. Shinde, A.P.P for the Respondent No.1-State

Mr. Ramesh Jadhav for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 23rd JANUARY, 2018

P.C. :

1 Learned counsel for the respondent No. 2 raises a preliminary
objection. He submits that the petitioners have directly approached this
Court, when an appeal against the order issuing summons was
maintainable.

2 In view of the preliminary objection, learned counsel for the
petitioners seeks leave to withdraw the petition, with liberty to file an
appeal under the Protection of Women from Domestic Violence Act, before
the Sessions Court, within two weeks from today.

3 Accordingly, Petition is disposed of as withdrawn with liberty as prayed. All contentions of both the parties are kept open.

4 If an appeal is filed, the same shall be decided on its own merits, uninfluenced by the withdrawal of this petition.

5 Mr. Jadhav, learned counsel for the respondent No. 2 states that he will not oppose the delay caused in filing the appeal, if the same is filed within the stipulated period i.e. two weeks from today. The said statement is accepted.

6 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.