

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.1013 of 2016

Yogesh Govindrao Jangde and others

vs.

State of Maharashtra, through its Secretary, Mumbai and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.R. Narnaware, Counsel for the Petitioners.
Smt. K.S. Joshi, A.P.P. for the Respondent Nos.1 to 5.

**CORAM : SMT. VASANTI A. NAIK &
ARUN D. UPADHYE, JJ.**

DATE : 19th JANUARY, 2018.

By this criminal writ petition, the petitioners seek a direction against the respondent nos.1 to 4 to register the first information report against the respondent nos.6 to 12 for the offences punishable under Sections 143, 147, 149, 166, 166-A, 294, 323, 420, 465, 468, 471, 504, 506 and 120-B of the Indian Penal Code and the relevant sections of the Maharashtra Control of Organised Crime Act.

We find that the filing of the writ petition is an abuse of the process of the Court. The petitioners had filed Criminal Writ Petition No.817/2015 with an identical prayer like the one made in this criminal writ petition. The said criminal writ petition was withdrawn by the petitioners with liberty to file appropriate proceedings as are permissible in law. Without taking steps to file appropriate proceedings,

which could be even the proceedings of civil nature, the petitioners have again filed the instant petition with an identical prayer. When the earlier writ petition was withdrawn after the court did not find favour with the petitioners and no liberty was granted to the petitioners to file appropriate proceedings, though it was sought, again this writ petition is filed.

The order in Criminal Writ Petition No.817/2015 reads thus :

“Shri S.R. Narnaware and Shri S.P. Bhandarkar, learned Counsel for the petitioners, seek leave to withdraw the Writ Petitions with liberty to file appropriate proceedings as are permissible in law.

2. Shri V.A. Thakare, learned A.P.P. for respondent State and Shri R.M. Patwadhan, learned Counsel for respondent nos.7 to 9, have no objection.

3. Writ Petitions being withdrawn, stand disposed of, with no order as to cost.”

On a reading of the said order, it is apparent that it was the petitioners' counsel, who has sought the leave to withdraw the writ petition with liberty to file appropriate proceedings as are permissible in law. There is no order of the court granting any liberty to the petitioners. Only the petition was disposed of as withdrawn, as it was withdrawn. Even

assuming that liberty, as sought, was granted, it would not give a licence to the petitioners to file a second criminal writ petition with an identical prayer.

Since, the second criminal writ petition is not maintainable, we decline to entertain the same. Order accordingly.

*sdw

JUDGE

JUDGE