

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 495 OF 2018

Vinod Mangaldas Bhanushali & Anr. ...Petitioners

Versus

M/s. Hirenkumar & Brothers Through Mr. ...Respondents
Viral Shantilal Gala & Ors.

WITH

WRIT PETITION NO. 965 OF 2018

Vinod Mangaldas Bhanushali & Anr. ...Petitioners

Versus

Arvind Ravji Shah HUF An Hindu ...Respondents
Undivided Family Through Its Karta Arvind
Ravji & Ors.

V. R. Kasle i/b Ram & Co. - Advocate for the petitioner.
Amol A. Patankar – Advocate for the respondent no. 1.
Rutuja Ambekar – APP for the respondent-State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 16th OCTOBER 2019.

P.C. :

The petitioners are the accused nos. 3 and 4 in CC No.

6077/SS/2017, on the file of the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai. For the reasons not germane here, this Court stayed the proceedings before the trial Court.

2. Now, the counsel for the respondent no. 1-original complainant wants the leave of this Court to withdraw the proceedings against Accused no. 3 and 4, that is both the petitioners in these Criminal Writ Petitions. According to him, as the stay is in force, he could not move the trial Court for that purpose. The counsel for the petitioners endorses the submissions advanced by the counsel for the 1st respondent.

Under these circumstances, the trial Court may entertain the 1st respondent's application and permit it to withdraw the proceedings against the Accused nos. 3 and 4. The instructions the 1st respondents' counsel received from the 1st respondent in this regard are taken on file and marked as - 'x'.

[DAMA SESHADRI NAIDU, J.]