

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1804 OF 2017

Eknath s/o Wamanrao Hiwale

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr R.R. Bangar, Advocate h/f Mr A.T. Jadhavar, Advocate for petitioner
Mr S.G. Sangle, A.P.P. for respondents

**CORAM : T.V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3rd November 2020

PER COURT :

1. Mr R.R. Bangar, Advocate holding for Advocate Mr Aashish Jadhavar submitted that Mr Jadhavar is not feeling well, so he has not turned up. He seeks time.
2. Seen the order made by this Court on 14.10.2020. This Court had made it clear that the matter itself will be dismissed, if it is not prosecuted. The matter was filed on 19.12.2017, for relief of quashing and setting aside the C.R. No.109/2008 registered in Kranti Chowk Police Station, Aurangabad, for offences punishable under Sections 143, 323, 504, 427 of the Indian Penal Code and Section 135 of the Bombay Police Act.
3. After filing the proceeding, no interest was shown to prosecute the matter and even circulation was not obtained for getting first order like order of notice. After filing such matters, a peculiar *modus operandi* is used and by filing such proceedings, the progress of investigation and the progress of case is stalled. Due to these circumstances, a specific direction was given to the Office and the Office was directed to list all such other matters in which no interest is shown to prosecute the matter. Only due to such direction, the matter is listed before this Court. This Court is passing similar orders in other matters and different

treatment cannot be given to present matter. This Court cannot exercise writ jurisdiction in favour of such petitioner. The petition stands dismissed for non prosecution.

4. A peculiar direction is also claimed in the matter that the State Government should be directed to withdraw the prosecution. Such direction cannot be given by this Court. However, it is upto the trial Court to decide whether such withdrawal can be allowed or not. Thus, there were misconceptions also.

(SHRIKANT D. KULKARNI, J.)

(T.V. NALAWADE, J.)

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