

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

CRIMINAL APPLICATION (APL) NO. 18/2014

- 1] Swarnim S/o Dr. Jaykumar Dixit,
Aged 35 years, Resident of Nandini
Apartment, First Floor, Near Congress
Nagar Garden, Congress Nagar, Nagpur
- 2] Dr. Jaykumar S/o. Ashwanikumar Dixit,
Aged 65 years, Occ. Medical Practitioner,
Resident of Nandini Apartment, First Floor,
Near Congress Nagar Garden, Congress Nagar,
Nagpur

.... **APPLICANT(S)**

// VERSUS //

- 1] The State of Maharashtra,
Through Police Station Officer,
Sitabuldi, Nagpur
- 2] Kunal alias Chandraprakash Wadhwani,
Aged about 30 years, Occ. Business,
Resident of 93, Farmland, Ramdaspath,
Nagpur

.... **NON-APPLICANT(S)**

Shri A.V. Gupta, Senior Advocate for the applicant(s)
Shri M.K. Pathan, APP for the non-applicant no. 1
Shri K.N. Shukul, Advocate for the non-applicant no. 2

WITH
CRIMINAL APPLICATION (APL) NO. 717/2013

Piyush S/o Vinod Parashar,
Aged about 26 years,
Occ. Student,

R/o. 1/10 Anirudh, Sant Janabai
Road, Vile Parle, Mumbai

.... APPLICANT

// VERSUS //

- 1] Kunal alias Chandraprakash Wadhwani,
Aged about 30 years, Occ. Business,
R/o 93, Farmland, Ramdaspath,
Nagpur
- 2] The State of Maharashtra,
Through Police Station,
Sitabuldi, Nagpur, Tal & Dist. Nagpur
- 3] State of Maharashtra,
Through Secretary, Home Department,
Mantralaya Fort, Mumbai

.... NON-APPLICANT(S)

Shri S.R. Deshpande, Advocate for the applicant
Shri K.N. Shukul, Advocate for the non-applicant no. 1
Shri M.K. Pathan, APP for the non-applicant nos. 2 and 3

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 12/10/2020

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

1] In these two criminal applications under Section 482 of the Code of Criminal Procedure, the applicants have challenged registration of F.I.R. No. 295/2013 against them with the non-applicant – Police Station for the offences punishable under Section 420 read with Section 34 of the Indian

Penal Code. The criminal applications are admitted and pending for final hearing.

2] Learned advocates for the applicants in both these criminal applications submit that during the pendency of the criminal applications before this Court, charge-sheet has been filed and three applicants in both these criminal applications are not shown as accused. According to the applicants, charge-sheet is filed only against Sachin Pandey. Learned advocates for the applicants further submit that 'C' summary has been filed against the applicants, however, orders are not yet passed by the trial Court on it.

Learned APP and learned advocate for the non-applicant – Complainant have not been able to controvert the submission made on behalf of the applicants.

3] Learned advocates for the applicants submit that in view of the above subsequent development, the applicants are not interested in prosecuting the matter as the cause for the same does not survive at this stage, and permission is sought to withdraw the criminal applications with liberty to the applicants to approach appropriate forum if any adverse orders are passed by the trial Court on the 'C' summary submitted by the non-applicant – Police Station Officer.

4] The request made on behalf of the applicants is just and proper. Hence, the criminal applications are **disposed** as withdrawn with liberty as prayed for.

JUDGE

JUDGE