

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.400 OF 2021

SHANTARAM BAPUSAHEB MANDALIK AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mrs.S.D.More, Advocate for the petitioners.
Mr.K.S.Patil, APP for respondent Nos.1 and 2.

(CORAM : RAVINDRA V. GHUGE AND
B.U.DEBADWAR, JJ.)

DATE : APRIL 7, 2021

PER COURT :

1. These 3 petitioners were before this Court earlier alongwith two other accused persons, in Cri.W.P.563/2017, praying for quashing of the FIR by invoking Section 482 of the Cr.P.C. and Article 226 of the Constitution. This Court delivered a judgment on 16/11/2017 and dismissed the petition to the extent of petitioner Nos. 1 to 3, who are the petitioners before us today. That petition was partly allowed to the extent of petitioner Nos. 4 and 5 namely Sau.Shital Sunil Dhawan and Sau.Yogita Sharad Jarhad. This Court observed in paragraph No.11 as under : -

“11. The observations made while rejecting the petition of Petitioner Nos. 1 to 3 are prima-facie in nature and confined to the adjudication of present petition only. The rejection of this petition shall not be construed as an impediment to the petitioner Nos. 1 to 3 to avail of an appropriate remedy, in the event of filing

charge-sheet by the Investigating Officer.”

2. We called upon the learned Advocate for these petitioners to state whether the FIR and the pending criminal case initiated by respondent No.3/informant is to be quashed by consent or otherwise. The learned Advocate for the petitioners submits that it is not the contention of the petitioners that the FIR be quashed by consent. She submits on instructions that the petitioners desire to withdraw this petition.

3. In view of the above, this petition is dismissed, as withdrawn.

(B.U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)