

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1311 OF 2016**

Varsha Madgulkar and anr. ... Petitioners.
V/s.
The State of Maharashtra and anr. ... Respondents
with

WRIT PETITION NO. 5758 OF 2019

Varsha K. Madgulkar ... Petitioner
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Priyal G. Sarda for the Petitioners
Mr. K.V. Saste, APP for the Respondent - State.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 24 JUNE 2022.

P.C.

. On 30 March 2022, the following order came to be passed in
Writ Petition No. 1311 of 2016.

“1. Learned counsel for the petitioners on instructions submits that the present petition was filed in the year 2016.

2. Learned counsel for the petitioners prayed for withdrawal of the present writ petition. He submits that the petition was filed for seeking quashment of the FIR being Crime No.470 of 2015 dated 15th December, 2015 registered with Karad police station, Satara. The petition is pending in this Court and

during the pendency of the petition, there was some communication gap between the petitioners and the counsel engaged by the petitioners, as such the petitioners engaged another counsel so as to represent them and the newly engaged counsel prepared fresh writ petition and filed writ petition in this Court bearing writ petition no.5758 of 2019. Learned counsel thus submits that as a fresh petition was filed in this Court in the year 2019, the present writ petition be permitted to be withdrawn.

3. Though we are not very happy by the course adopted by the petitioners. Learned counsel submits that due to communication gap between the petitioners and the counsel for the petitioners, the petitioners shall not be deprived of availing the legal remedies by approaching this Court and the prayer for withdrawal of the present petition be allowed.

4. Writ Petition No.5758 of 2019 be listed before this Court on 26th April, 2022. In the meantime, learned APP to seek instructions in respect of the progress post the lodgment of the FIR being Crime No.470 of 2015 dated 15th December, 2015 registered with Karad police station, Satara. In case the report indicates that the investigating agency setting in motion in lodgment of FIR, completed the exercise of investigation and filed the chargesheet before this Court and/or there is some more progress in addition to filing of the chargesheet, we make it clear that on the scheduled date, this court on this count itself, may not entertain the petition i.e. writ petition no.5758 of 2019.

5. Stand over to 26th April, 2022.”

2. As regards Writ Petition No. 1311 of 2016 is concerned, in light of what is observed in paragraph 3 of the order dated 30 March 2022 and at the request of learned Counsel for the Petitioner in

Writ Petition No. 1311 of 2016 is disposed of as withdrawn.

3. As regards Writ Petition No. 5758 of 2019, the learned APP again seeks time to take instructions in light of paragraph 4 of the order dated 30 March 2022.

4. List Writ Petition No.5758 of 2019 on 22 July 2022. To be listed under the caption “For Directions”.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)