

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

CRIMINAL WRIT PETITION NO.1170 OF 2020

1. M/s. Sai Essen 94 LLP
 2. Satish Bhimsen Agarwal
 3. Ashok R. Mane
 4. Deepak Ashok Mane
 5. Surendra B. Agarwal
 6. Narendra B. Agarwal
 7. Nitin B. Agarwal
- ...Petitioners

Versus

1. The State of Maharashtra
 2. Rajendra Kumar Nehra
 3. CBI, ACB, Pune
- ...Respondents

Mr. Aniket U. Nikam, i/b Mr. Vivek N. Arote, for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent No.1– State.

Mr. Abhijeet A. Joshi a/w Ms. Varsha Sawant, Mr. Aditya Joshi, for the Respondent No.2/SBI.

Mr. Hiten S. Venegavkar a/w Mr. Ayush Kedia, for the Respondent No.3 – CBI.

Mr. Yashwant Say, P.I. CBI.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 22nd DECEMBER 2022

P.C. :

1. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. RC Pune/2019/A/0013 registered with the CBI, ACB, Pune, for the alleged offences punishable under Sections 120B r/w 420 of the Indian Penal Code ('IPC') and under Sections 13(2) r/w Section 13(1)(d) of the Prevention of Corruption Act.

2. At the outset, the learned counsel for the respondent No.3 - CBI, ACB, Pune, on instructions states that the said respondent will be filing charge-sheet as against M/s. Swaroop Homes LLP and not as against M/s. Sai Essen 94 LLP. Mr. Venegavkar, on instructions, further states that as far as petitioner Nos.4 to 7 are concerned, the respondent No.3 does not intend to file charge-sheet *qua* the said petitioner Nos.4 to 7, as they have not been found to be connected with the alleged offences, during investigation.

3. In view of the aforesaid statement made by the learned counsel for the respondent No.3, learned counsel for the petitioners,

on instructions, seeks leave to withdraw the petition with liberty to file a fresh petition on behalf of the petitioner Nos.2 and 3, after filing of the charge-sheet.

4. Petition is accordingly disposed of as withdrawn, with liberty as prayed.

5. Needless to state, that we have not heard the aforesaid petition on merits and as such all contentions of all parties are kept open.

6. Since the petition is disposed of, it is open for the respondent No.3 to file the charge-sheet.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.