

investigation. In Paragraph – 8 of the application also it was stated that re-investigation is necessary. However, the contents of application would demonstrate that it was an application for further investigation. The operative part of impugned order mentions that prayer for re-investigation is rejected.

2. It is submitted that the petition may be allowed to be withdrawn with liberty to prefer fresh application before the trial Court seeking further investigation in accordance with Section 173(8) of Cr.P.C.

3. Without adjudicating the issues on merits and without giving any finding, whether the petitioner/defacto complainant has right to prefer an application under Section 173(8) of Cr.P.C.. The petitioner is allowed to withdrawn this petition with liberty to prefer such application for further investigation, which shall be decided by concerned Court in accordance with Law. The issue of maintainability of such application by complainant and all issues on merits of application are kept open.

4. Writ Petition is disposed off.

(PRAKASH D. NAIK, J.)