

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

CRIMINAL WRIT PETITION NO. 3370 OF 2022

Motilal Ruplal Rathod And Anr. ...Petitioners
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. M. V. Holamagi, Advocate for the Petitioner.
Mr. M. G. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 15th SEPTEMBER, 2022.

PER COURT:

1. The Petitioners are challenging this criminal proceedings in C.C. No.263/PW/2019 pending before the Court of concerned Metropolitan Magistrate 23rd Court, Esplanade, Mumbai. The offences are under Sections 324, 323, 34 of the Indian Penal Code.
2. It is submitted that, the parties are settling the dispute. On 13th September, 2022, Petitioners were unable to attend the trial Court. The Court issued non-bailable warrant, subsequently application for cancellation of warrant was preferred before the trial Court. The said application is rejected.
3. Having realized that, Petition challenging the chargesheet/proceedings will have to be moved before the Division Bench of this Court, learned Advocate for Petitioner, on instructions submitted that, the Petitioners would press the prayer of cancellation of warrant and the Petitioners may be granted liberty

to prefer fresh Petition for quashing the proceedings.

ORDER

- i. Non-bailable warrant issued on 13th September, 2022 by the court of Metropolitan Magistrate 23rd, Esplanade, Mumbai in C.C. No.263/PW/2019 is quashed and set aside.
- ii. Petition is disposed off with liberty to prefer fresh Petition challenging proceedings in C.C. No.263/PW/2019.

(PRAKASH D. NAIK, J.)