

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

CRIMINAL APPLICATION NO.1168 OF 2019

Jalindar Nivrutti Bade and Ors. ...Applicants
Versus
State of Maharashtra and Anr. ...Respondents

Mr. Abhijeet Desai i/b Desai Legal, for the Applicants.

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

Mr. Ravindra S. Pachundkar, for the Respondent No.2.

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

DATE : 14th SEPTEMBER 2022

P.C. :

1. By this application, the applicants seeks quashing of the FIR bearing C.R. No.301 of 2019, registered with the Wakad Police Station, District - Pimpri-Chinchwad, as against the applicants, for the alleged offences punishable under Sections 498A, 377, 420, 467, 468, 471, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Learned APP has tendered a report of the A.P.I – B. K. Thakur, Wakad Police Station, Pimpri-Chinchwad Commissionerate,

Pune, dated 7th September 2022. The said report is taken on record. It appears from the said report that after conducting a detailed investigation, the police have filed a charge-sheet only as against the applicant No.1 – Jalindar Nivrutti Bade i.e. the husband of the respondent No.2 – Sangita Jalindar Bade and that no case is made out as against the applicant Nos.2 to 13.

3. In view of the aforesaid, the learned counsel for the applicants does not press this application, since the police have taken a decision not to file charge-sheet as against the applicant Nos.2 to 13, since no case was made qua the said applicants.

4. So far as applicant No.1 – Jalindar Nivrutti Bade, is concerned, the learned counsel for the applicants on telephonic instructions, of the applicant No.1, seeks leave to withdraw this application, *qua* the applicant No.1, with liberty to file an appropriate application seeking his discharge from the said case before the appropriate Court.

5. If an application for discharge is filed by the applicant No.1, the learned Judge to consider the said application, on its own merits, in accordance with law, uninfluenced by the withdrawal of this application. All contentions of the applicant No.1, on merits are kept open.

6. Application is accordingly disposed of as withdrawn with liberty as prayed, on the aforesaid terms.

7. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.