

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4006 OF 2022

KHANDOBA HANUMANTRAO BIRADAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. S.S. Thombre, Advocate for the Applicant.

Mr. M.M. Nerlikar, APP, for the Respondent – State.

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CORAM : SMT. ANUJA PRABHUDESSAI &
R.M. JOSHI, JJ

DATE : JANUARY 18, 2023

PER COURT :

1. This is an application filed under Section 482 of Code of Criminal Procedure for quashing FIR No. 336/2022 registered with MIDC CIDCO Police Station, Aurangabad.

2. The contention of learned Counsel for the Applicant was that the complaint is false and malicious. This Court had time and again brought to the notice of learned Counsel for the Applicant that the proceedings cannot be quashed on such ground. Even then, learned Counsel for the Applicant choose not to withdraw the application and proceeded to argue the matter extensively for considerable time. Having argued the matter at length, learned Counsel for the Applicant

sought to withdraw the application only after this Court proceeded to dictate the order.

3. Considering that the Counsel for the Applicant had taken considerable time of the Court when several other matters were listed on board, learned Counsel was informed that withdrawal would be allowed subject to cost. Learned Counsel for the Applicant has shown his willingness to pay the cost.

4. Hence, the application is allowed to be withdrawn with liberty to file discharge application subject to cost of Rs. 10,000/- to be paid to High Court Bar Association Library, Aurangabad within two weeks from today.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J)