

Shakuntala

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 30 OF 2023

SHERYAZ MICHELLE LOBO, THR.
ATTORNEY, CMDE. FALI HOMI
DUBASH ... PETITIONER

Versus

THE STATE OF GOA, THR. POLICE
INSPECTOR, MAPUSA POLICE
STATION, MAPUSA AND 4 ORS. ...RESPONDENTS

Mr. Ryan Menezes, Advocate for the Petitioner.

Mr. Nikhil Vaze, Additional Public Prosecutor for
Respondent Nos. 1 to 3.

Mr. John A. Lobo, Advocate for Respondent no.4

Mr. Shane Coutinho for Respondent no. 5.

CORAM: **M.S. SONAK &
BHARAT P. DESHPANDE, J.**
DATED: **23rd OCTOBER 2023**

PC: Per BHARAT P. DESHPANDE, J.

1. Heard Mr. Ryan Menezes, Advocate appearing for the
Petitioner, Mr. Nikhil Vaze, the learned Additional Public
Prosecutor for the State and Shri John Lobo, Advocate for the
Respondent no. 4 and Shri Shane Coutinho for Respondent no. 5.

2. The present petition is filed under Section 482 of Cr.P.C.
(Criminal Procedure Code) thereby challenging the First

Information Report vide Crime no. 360/2016 registered at Mapusa Police Station together with final report filed before the learned Magistrate at Mapusa which is registered as Criminal Case no. 461/S/2018, on the ground that the ingredient of the offences alleged in the FIR and the charge-sheet have not been made out.

3. After hearing the learned Counsel Shri Menezes for some time, he prayed that the Petitioner may be allowed to withdraw present petition with liberty to file application for discharge before the Trial Court.

4. Learned Counsel Shri Lobo, would submit that this petition is not tenable as same is filed through a Power of Attorney.

5. Since Mr. Menezes, learned Counsel for the Petitioner, on instructions prayed for withdrawal of the petition with liberty to file application for discharge, we need not discuss the objections raised on behalf of the Respondents.

6. We grant permission to the petitioner to withdraw the present petition with liberty as prayed for. Accordingly, the petition is allowed to be withdrawn with liberty to approach the learned Trial Court by filing the application for discharge. If such application is filed, the Learned Trial Court shall decide it in

accordance with law and by giving opportunity to both sides, as early as possible. With this observation, the petition stands disposed with liberty as prayed.

BHARAT P. DESHPANDE, J.

M.S. SONAK, J.