

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

CRIMINAL WRIT PETITION NO.605 OF 2023

Dhiraj N. Shah

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Rizwan Merchant with Ramiz Shaikh, Dipti Karadkar, Advocates
for Petitioner.

Mrs.S.D.Shinde, APP, for State.

**CORAM : A.S.GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 20th February 2023

PC :

1. Record indicates that learned Metropolitan Magistrate, 57th Court, Kurla, Mumbai passed an Order u/s.156(3) of Cr.PC dated 5th January 2022 on the complaint filed by Petitioner. That, subsequently a crime bearing MECR No.1 of 2022 (FIR No.28 of 2022) is registered by Gowandi Police Station, Mumbai. The Investigating Officer has submitted a report dated 29th February 2022 in the Court of learned Metropolitan Magistrate stating that, investigation reveals that allegations made by the Petitioner are of civil nature and there is no prima facie evidence to indicate that amount mentioned in the FIR was in fact paid for purchase of the flat. It is lastly stated that final report would be submitted before the said Court shortly.

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2. In view of the aforestated facts when we expressed our opinion that we are not inclined to entertain this petition, Mr.Merchant learned counsel on instructions seeks leave to withdraw this Petition with liberty to contest Final Report if submitted by the Investigating Officer before learned Magistrate in due course of time.

Leave and liberty granted.

3. Disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST