

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

CRIMINAL WRIT PETITION NO. 1318 OF 2019

MSR LAB through its COA Murli Menon	... Petitioner
Versus	
The State of Maharashtra	... Respondent

Ms. Indu Verma, for the Petitioner.

Mr. K. V. Saste, APP for the Respondent – State.

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

DATE : 10th JANUARY, 2023.

P. C. :

By this Petition, the petitioner seeks to challenge the order dated 7th February, 2019, passed by the learned Metropolitan Magistrate, 64th Court, Esplanade, Mumbai, below Exh.1 in Criminal Miscellaneous Application No. 2859/Misc/2018, by which the learned Magistrate was pleased to dismiss the complaint of the petitioner seeking direction under Section 156(3) of the Criminal Procedure Code.

**REKHA
PRAKASH
PATIL**

Digitally signed
by REKHA
PRAKASH PATIL
Date: 2023.01.16
10:02:14 +0530

2 As the petitioner has an alternate remedy available to him,

Rekha Patil

learned Counsel for the petitioner seeks leave to withdraw the Petition with liberty to file a Revision Application.

3 The Petition is accordingly disposed of as withdrawn with liberty as prayed.

4 It is made clear that we have not gone into the merits of the petition and as such, all contentions of the parties on merits are kept open.

5 If a Criminal Revision application is filed alongwith an application seeking condonation of delay, the pendency of this petition be taken into consideration, whilst considering the delay.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.