

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

CRIMINAL WRIT PETITION NO.1153 OF 2022

Pushpendra Lalchand Khichi and others	Petitioners
versus	
Neelam Pushpendra Khichi and another	Respondents

Mr.Mahendra N. Sandhanshiv, Advocate for Petitioners.
Mr.PK.Bohade, Advocate for Respondent no.2.
Ms.M.M.Deshmukh, APP, for State.
Police Naik S.R.jagtap, Killa Police Statio, Malegaon, present.

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

DATE : 26th April 2023

PC :

1. Admittedly after completion of investigation of present crime i.e. FIR No.111 of 2021 registered with Killa Police Station, Nashik (Rural) Police have filed charge sheet in the Court of Judicial Magistrate First Class (Court No.4), Malegaon, District Nashik. Petitioner is therefore having substantive alternate remedy either by way of filing an application for discharge or contesting the said case as per the provisions of Cr.PC, before Trial Court and without availing said alternate remedy, Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2. In view thereof, learned Advocate for Petitioner on instructions seeks leave to withdraw present Petition with liberty to avail

alternate remedy as per the provisions of Cr.PC, before Trial Court.

Leave and liberty granted.

3. Petition is disposed off as withdrawn with aforesaid liberty.

4. It is made clear that this Court has not adjudicated the issues involved in present Petition and it is disposed off on the ground of availability of alternate remedy. In the event Petitioners file an application for discharge before the Trial Court, such application be decided on its own merits and without being influenced of the fact of withdrawal of present Petition.

(PRAKASH D. NAIK, J.)

(A.S.GADKARI, J.)

MST