

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2387 OF 2022

Yogesh Tanaji Khandare ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Nishi Singhvi i/b Ms. Sushrita Daga, for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Suryakant Kamble, PSI, Dahisar Police Station.

CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.
DATE : 13th MARCH, 2023

P.C. :

1. By this petition, the petitioner seeks quashing of the FIR registered vide C.R.No. 21 of 2022, with the Dahisar Police Station, Mumbai, for the alleged offences punishable under Sections 188 and 269 of the Indian Penal Code and Sections 37(1), 135 of the Maharashtra Police Act.

2. Learned APP has tendered a report of Senior Police Inspector, Mr. Pravin Patil, attached to Dahisar Police Station,

Mumbai, dated 10th March, 2023. The said report is taken on record.

3. In the said report, it is stated that the prosecution had filed an application under Section 321 of the Criminal Procedure Code, seeking to withdraw the prosecution against the petitioner, since it was a case filed during the COVID period and also as there was no sufficient evidence against the petitioner to proceed with the case. To the said report, is annexed a copy of the application filed by the prosecution and order passed by the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai, allowing the said application filed by the prosecution.

4. Since the prosecution has been withdrawn, nothing survives for further consideration in the aforesaid petition.

5. The petition is accordingly disposed of.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.