

GRM

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

**CRIMINAL WRIT PETITION NO. 5539 OF 2021
WITH
CRIMINAL WRIT PETITION NO. 5321 OF 2021
WITH
CRIMINAL WRIT PETITION NO. 5134 OF 2021
WITH
CRIMINAL WRIT PETITION NO. 5139 OF 2021**

Sohan Singh & Anr. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. S. Venkateshwar, Adv. for the Petitioners.

Mr. Arfan Sait, APP for the State/Respondent No. 1.

Mr. Yashpal Thakur a/w Nimeet Sharma, Asim Shaikh i/b MZM Legal LLP, Adv. for Respondent no. 2.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 3, 2023

P.C. :

1. Heard.

2. The petitioners had earlier filed Criminal Writ Petition Nos. 2304/2019, 3000/2019, 2305/2019 & 4310/2019 for the same reliefs. The petitioners withdrew those writ petitions on 04/03/2021. The learned Single Judge of this Court permitted the petitioners to withdraw those writ petitions in terms of the following order :-

“1. After hearing learned Counsel for the petitioners at length, when this Court expressed its disinclination to grant any relief, the learned Counsel on instructions

seeks leave to withdraw present petitions with liberty to raise all its contentions before the Trial Court at the time of trial.

2. Leave and liberty granted.

3. Dismissed as withdrawn with the aforesaid liberty.”

3. The learned Advocate for petitioners submits that post withdrawal of earlier writ petitions, fresh cause of action has arisen for filing of the present writ petitions. According to him, the respondents have filed a civil suit. The summons whereof has been received by the petitioners post withdrawal of the earlier writ petitions.

4. The learned Advocate for Respondent no. 2-original complainant took this Court through the entire record with regards civil suit, to ultimately urge for dismissal of the present writ petitions.

5. Considered the submissions advanced. Perused the record.

6. It appears that the said civil proceeding has been instituted in the year 2014, which is well before the petitioners withdrew the earlier writ petitions. The present writ petitions, therefore, are not entertained. The petitioners are at liberty in terms of the order dated 04/03/2021. All the issues in these writ petitions are also kept open to be raised before the Trial Court. Hearing of all the cases filed before the Trial Court is expedited.

7. All the writ petitions are disposed of.

(R. G. AVACHAT, J.)