

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

CRIMINAL WRIT PETITION NO. 3156 OF 2022

Basavaraju Kodlapura Vishweshwaraiah ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Kushal Mor for the Petitioner.

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

Mr. Jaaneel Vashi i/by M/s. M. P. Vashi And Associates for the Respondent No.2.

BHALCHANDRA
GANGADHAR
AHIRE
Digitally signed by
BHALCHANDRA
GANGADHAR
AHIRE
Date: 2023.07.04
13:03:07 +0530

CORAM : SARANG V. KOTWAL, J.

DATE : 30th JUNE, 2023.

PC. :

1. This Petition is admitted vide order dated 3rd April 2023.

There was interim relief granted in favour of the Petitioner staying the proceedings against him.

2. Today an affidavit is filed on behalf of the Respondent No.2 that the complainant i.e. Respondent No.2 herein, has taken a decision to delete Petitioner's name from the cause title of the original complaint.

3. Learned counsel for the Respondent No.2 submitted that he has made an Application before the learned Magistrate for deleting

the name of the Petitioner in the complaint, however, the Magistrate was unable to pass any order because the stay is granted by this Court in this Writ Petition. Therefore, some orders are necessary so that the learned Magistrate can pass appropriate order in Application of Respondent No.2 to delete name of the Petitioner from the original complaint.

4. Considering this peculiar situation that the Respondent No.2 does not want to proceed against the Petitioner, the stay granted vide order dated 3rd April 2023 vide issuing Rule, as far as present Petitioner is concerned, stands vacated. Learned Magistrate can pass appropriate directions on the Application made by the original complainant for deleting the name of the Petitioner from the complaint.

5. It is made clear that, in case, learned Magistrate does not permit deletion of name of the present Petitioner, he can again approach this Court and renew his prayer made in the Application. In the aforesaid circumstances, the following order is passed :

ORDER

- i. The Petition is disposed of with liberty to the Respondent No.2 to pursue the Application before

the learned Magistrate for deleting the name of the Petitioner from the complaint.

- ii. The stay granted for proceeding further in respect of the Petitioner, stands vacated so that the Magistrate can pass an appropriate order in that Application.
- iii. In case the name of the Petitioner is not deleted from the complaint, the Petitioner is at liberty to approach this Court again and renew his prayer for quashing of the complaint against him.
- iv. With these directions, the Petition is disposed of.

(SARANG V. KOTWAL, J.)