

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4442 OF 2021

Mr. Yakub Babulla Khan

.. Petitioner

Vs.

The State of Maharashtra & Anr.

.. Respondents

- Mr. Anand Dubey, for the Petitioner.
- Mr. K.V. Saste, APP for Respondent No.1–State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 2nd MAY, 2023.

ORAL JUDGMENT :-

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final disposal at the stage of admission itself.

2. It is not in dispute that the petitioner is identically situated in terms of the facts as the petitioner in Writ Petition No.3680 of 2022 was, and we find that this petition can also be allowed as per the view taken by this Court in the judgment dated 28.03.2023 in Writ Petition No.3680/2022. Hence, the following order:-

ORDER

- (i) The Petition is allowed.
- (ii) The FIR in C. R. No. 74 of 2018 registered for the offences punishable under Sections 353, 341, 294, 114 r/w 34 of the Indian Penal Code and under Sections 3, 8(1), (2)(4) of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working therein) Act, 2016 and all the connected proceedings taken on the basis of C. R. No. 74 of 2018 are hereby quashed & set aside insofar as it relates to the petitioner only.
- (iii) Rule is made absolute in the aforesaid terms;
- (iv) The Petition is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]