

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

CRIMINAL WRIT PETITION NO.2963 OF 2023

Jerry John & Ors

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

Mr. Siddhesh Bhole a/w Nikhil Ghate & Maithili Jha, i/b S.S.B.
Legal & Advisory, Advocate for Petitioners.

Mr. A.R. Patil, APP for State/Respondent.

Mr. Sandeep Karnik, Advocate for Respondent Nos.2 to 4.

CORAM : SARANG V. KOTWAL, J.

DATE : 6th SEPTEMBER 2023

PC :

1. Learned Counsel for the Respondent Nos.2 to 4 raised a preliminary objection about locus of the Petitioners to approach this Court because according to learned Counsel for these Respondents, who are the original Complainants before the Metropolitan Magistrate 40th Court at Girgaon, Mumbai in C.C. No.348/SS/2018, as of today no order is passed for issuing process against the Petitioners.

2. On this objection, learned Counsel for the Petitioners submits that he may be permitted to withdraw this Petition by

keeping all his contentions open to be raised at an appropriate stage.

3. Considering the prayer made by learned Counsel for the Petitioners, the Petition is allowed to be withdrawn. It is clarified that all the contentions raised by the Petitioners on merits of the matter and the procedure adopted by the learned Magistrate, are left open to be raised at an appropriate stage if the process is issued against them. With this liberty, the Petition is allowed to be withdrawn and is disposed of as such.

(SARANG V. KOTWAL, J.)