

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

CRIMINAL WRIT PETITION NO. 4614 OF 2022

Mohamad Arif Mustakim Khan

...Petitioner

V/s.

The State of Maharashtra And Anr.

...Respondents

Mr. Viresh Purwant for Petitioner.

Mrs. G. P. Mulekar, A.P.P. for Respondent No.1-State.

Mr. Rushikesh Kale for Respondent No.2.

Mr. Rahul Patil (P.S.I.), Powai Police Station, Mumbai.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 12th APRIL 2023.

PC.:-

1. Learned Advocate for Respondent No.2 submitted that, though the Respondent No.2 has affirmed an Affidavit dated 20.09.2022 giving her 'no objection' for quashing of present crime i.e. C.R. No.498 of 2022 registered with Powai Police Station, Mumbai and related proceedings thereof including charge-sheet, she today has instructed him that, she intends to contest present Petition.

2. Mr. Purwant, learned Advocate for Petitioner submitted that, the present Petition is filed in the premise that, the Respondent No.2 has consented for quashing of the proceedings. However, as the Respondent No.2 has now resiled from her 'no objection', he seeks leave to withdraw present Petition with liberty to file fresh Petition impugning the final report/charge-sheet as may be permissible under the law.

Leave and liberty granted.

3. Petition is disposed off as withdrawn with aforesaid liberty.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)