



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

963 CRIMINAL WRIT PETITION NO. 579 OF 2024

TUSHAR PANDURANG BHAGANAGARE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Narwade Narayan B.

APP for Respondent/s – State : Mr. M.M. Nerlikar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 28 MARCH 2024

PER COURT :

Heard both the sides for a while.

2. By way of this petition under Article 226 of the Constitution of India the petitioner who happens to be the brother of deceased is seeking following direction :

“B. By appropriate issuing writ, order, or direction in the like nature, the respondent authorities especially Superintendent respondent No. 4 Superintendent of Police, Ahmednagar and respondent no. 5 Inspector/Investigating Officer may kindly be directed to arrest the accused namely Om Ramesh Hucche in Crime No. No. I-894/2023 registered with Tofkhana Police registered Station dated 20.06.2023 for the offence punishable U/s. 302, 307, 504, 120-B r/w. 34 of

the Indian Penal Code and U/s. 4/25 of Arms Act and U/s. 37 (1) (3)/135 of the Maharashtra Police Act.”

3. Admittedly, the Investigating Officer has filed a chargesheet. The person in the prayer clause ‘B’ namely Om Ramesh Hucche is an accused in the crime. However, chargesheet expressly indicates that he could not be arrested. Although, he has been named as accused no. 8, the charge-sheet specifically indicates that to his extent the prosecution was seeking to rely upon Section 299 of Cr.P.C.

4. In view of above, learned Advocate for the petitioner, on instructions seeks leave to withdraw the criminal writ petition with liberty to approach the trial Court seeking appropriate relief as is permissible in law.

5. Without expressing anything on merits, we dispose of the criminal writ petition as withdrawn with liberty as prayed for.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]