



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 CRIMINAL WRIT PETITION NO.1553 OF 2024

BHAGWAN VISHNUPANT THOMBRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. R. V. Dasalkar, Advocate for the Petitioner.
Mrs. P. R. Bharaswadkar, APP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 27 AUGUST, 2024.

ORDER :-

. Heard learned Advocate appearing for the petitioner. He agrees to remove the office objections forthwith.

2. After pointing out that the remedy is available under Section 156(3) of the Code of Criminal Procedure and in view of the decisions in ***Sakiri Vasu Vs. State of U.P. and Ors., [(2008) 2 SCC 409]*** and ***M. Subramaniam and Ors. Vs. S. Janaki and Ors., [(2020) 16 SCC 728]***, learned Advocate for the petitioner seeks withdrawal of the petition to approach the concerned Magistrate under Section 156(3) of the Code of Criminal Procedure. In view of the fact that we are taking the same

recourse as stated in ***M. Subramaniam and Ors. (Supra)***, we observe that this petition shall not be considered as impediment for the petitioner to approach the concerned Magistrate under Section 156(3) of the Code of Criminal Procedure and the concerned Magistrate may deal such complaint/application as per the provisions of law.

3. Accordingly, the petition stands disposed of.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm