

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4012 OF 2024

Nanda Nanasaheb Gaikwad

...Petitioner

Versus

The State Of Maharashtra

...Respondents

Mr. Ankit Rathod, for the Petitioner.

Mr. Ajay S. Patil, APP for Respondent-State.

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.**

DATE : 9th DECEMBER 2024.

P.C.:-

1) Prayer clause (A) in this Petition is '*to quash and set aside the FIR C.R.No.777/2023 registered at Chaturshringi police station, Pune.*'

2) The learned APP, on instructions, states that the same Petitioner has preferred Criminal Writ Petition No. 2455 of 2024 before this Court and in that Petition, the same prayer was made for quashing and setting aside C.R.No. 777 of 2023 registered at Chaturshringi Police Station, Pune. In that Petition, a Division Bench (Coram: A.S.Gadkari & Dr. Neela Gokhale, JJ.) vide an order dated

19th June 2024 passed the following order:

- “1) *Learned Advocate for Petitioner, on instructions, seeks leave to withdraw Petition unconditionally.*
 Leave granted.
2) *Disposed off as withdrawn.”*

After passing of the order dated 19th June 2024, this Petition was filed on 12th July 2024 but it was affirmed on 29th June 2024. In the present Petition there is no reference to the order dated 19th June 2024 or filing and disposing of the Criminal Writ Petition No.2455 of 2024.

3) The learned APP, on instructions further states that when the order dated 19th June 2024 was passed even at that time, provisions of the Maharashtra Control of Organised Crime Act were applied and there is no change in the circumstances. This is a clear suppression of important facts including the order passed by the Division Bench of this Court.

4) Today, Advocate Mr. Ankit Rathod appears and states that he has instructions to appear for the Petitioner and the Advocate on record, i.e., M/s. Hulyalkar & Associates have sent him brief in the morning itself. He has no instructions about the earlier Writ Petition.

From the events, it is quite clear that there is an attempt to suppress important facts. These practices are strongly deprecated.

5) Considering that earlier Writ Petition No. 2455 of 2024 for the same subject matter in respect of C.R.No. 777 of 2023 registered at Chaturshringi Police Station, Pune was withdrawn unconditionally, we are not inclined to entertain this Petition and hence, it is dismissed.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)

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signed by
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