



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.866 OF 2024

Smt. Vimalbai Kesharao Kathane

(Vs.)

The State of Maharashtra, thr. PSO, PS, Gandhibag, Nagpur and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Sandip Tatake, Advocate for the petitioner.

Mr. A.M. Joshi, APP for respondent No.1/State.

CORAM : G.A. SANAP, J.

DATE : 22.10.2024

1. In this petition, challenge is to the part of the order dated 24.09.2024 passed by learned Judicial Magistrate First Class, Court No.2, Nagpur, whereby the learned Magistrate has observed that in the pursis for the withdrawal of the application, the applicant has stated that the matter has been amicably settled with the accused.

2. Learned Advocate submitted that in the pursis, the prayer was made for withdrawal of the application. In the pursis, there is no statement that this withdrawal was on account of the settlement between the parties as has been recorded by the

learned Judge.

3. I have heard learned Advocate for the petitioner and learned APP for the State.

4. In view of the nature of the challenge, it is not necessary to issue notice to the respondent nos.2 to 6.

5. In view of this, the petition is allowed. The part of the observations from the order “that the withdrawal of the matter was on account of settlement between the parties shall not henceforth be treated as a part of that order”. The observations, whereby the learned Magistrate stated that the matter is amicably settled along with the accused is quashed and set aside.

6. Criminal Writ Petition stands disposed of.

JUDGE