



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 CRIMINAL WRIT PETITION NO. 1197 OF 2022

SHAIKH OBAID ALHILALI SHIAKH MOHAMMAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CRIMINAL APPLICATION NO. 1943 OF 2025
IN WP/1197/2022

...
Mr. Amol N. Kakade Advocate for Petitioner in Criminal
Writ Petition No.1197 of 2022.
Mr. V.K. Kotecha, A.P.P. for Respondents.
Mr. Prakash G. Gunale Advocate for Applicant in
Criminal Application No.1943 of 2025.

...
CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 11th SEPTEMBER, 2025

ORDER :

1. Heard the learned Advocate for the petitioner at length.
When disinclination is shown to grant any relief to the petitioner
in view of the law laid down by the Hon'ble Supreme Court in
Sakiri Vasu Vs. State of Uttar Pradesh and others, 2008 (2) SCC
409, which was then followed in *T.C. Thangaraj vs. V. Engammal*
& others, 2011(12) SCC 328, *Sudhir Bhaskarrao Tambe vs.*
Hemant Yashwant Dhage and others, 2016(6) SCC 227 and *M.*

Subramaniam and others vs. S. Janaki, 2020(16) SCC 728; upon the instructions from the petitioner, learned Advocate for the petitioner prays for withdrawal of the petition, with liberty to approach the learned Magistrate by filing application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita (Old Section 156(3) of the Code of Criminal Procedure).

2. In view of the decision in ***M. Subramaniam and others vs. S. Janaki***, (supra), we adopt the same recourse and grant permission to the petitioner to approach the learned Magistrate by filing application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita (Old Section 156(3) of the Code of Criminal Procedure). If such application is filed, the learned Magistrate to decide it as per its own merits.

3. Hence, with the above observations, the Writ Petition stands disposed of as withdrawn.

4. Criminal Application No.1943 of 2025 also stands disposed of.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE