



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CRIMINAL WRIT PETITION NO.962 OF 2025

JAVEDKHAN LATIFKHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. R. M. Deshmukh, Advocate for the Petitioner.
Mr. S. A. Gaikwad, APP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 22 JULY 2025

ORDER :

. Heard learned Advocate Mr. R. M. Deshmukh for the petitioner as well as learned APP Mr. S. A. Gaikwad for all the respondents, after waiving notice for all the respondents.

2. After disinclination is shown to grant the relief as prayed and taking into consideration the provisions of Section 173(8) of the Code of Criminal Procedure, the learned Advocate for the petitioner seeks withdrawal of the writ petition, upon instructions, with liberty to approach the learned Magistrate, Parali Vaijnath, District Beed under Section 173(8) of the Code of Criminal Procedure.

3. In view of specific provision available under Section 173(8) of the Code of Criminal Procedure giving powers to the Magistrate to direct

further investigation, we are of the opinion that there is less likelihood of exercise of powers under Constitution of India by this Court for deciding the complaints made by the petitioner prior to the filing of the charge-sheet. As regards the alleged lacuna are concerned, the concerned Magistrate is empowered under Section 173(8) of the Code of Criminal Procedure to take action, if the case is so made out. Therefore, we permit the petitioner to withdraw the present writ petition with liberty as prayed.

4. The writ petition stands disposed of as withdrawn.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm