



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL WRIT PETITION NO.1313 OF 2025

MIRZA ASIF BEG ASLAM BEG ALIAS BABA KALIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Atul Pawar h/f Mr. B. S. Deshmukh, Advocate for the Petitioner.
Mr. A. M. Phule, APP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 24 SEPTEMBER 2025

ORDER :

1. Heard learned Advocate for the petitioner.
2. When this Court expressed its disinclination to grant relief in favour of the petitioner, learned Advocate for petitioner seeks leave to withdraw the petition with liberty to approach the Magistrate under Section 156(3) of the Code of Criminal Procedure, 1973. Even in view of the decisions in ***Sakiri Vasu vs. State of Uttar Pradesh and others [(2008) 2 SCC 409]***, ***Sudhir Bhaskarrao Tambe vs. Hemant Yashwant Dhage and others [(2016) 6 SCC 277]*** and ***M. Subramaniam and another vs. S. Janaki and another [(2020) 16 SCC 728]*** the recourse is available under Section 156(3) of the Code of Criminal Procedure,

1973 (Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023) to such petitioner, who seeks direction to register the First Information Report and, therefore, the petitioner is permitted to withdraw the present petition with liberty as prayed.

3. The writ petition stands disposed of as withdrawn.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm