

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1610 OF 2023**

Digambar Rohidas Agawane & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Tejesh Dande a/w. Mr. Rajendra Ambhule, Mr. Sachin Deokar, Mr. Bharat Gadhavi, Mr. Aniket Shitole, Mr. Sarvesh Deshpande & Mr. Vignesh Ashokan for Petitioners.

Dr. Abhinav Chandrachud, Special Public Prosecutor a/w. Mr. Pranit Kulkarni & Ms. Savita M. Yadav, A.P.P. for Respondent Nos.1 to 4-State.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 23rd June 2025.

P.C. :

1) Present Petition is filed for quashing of F.I.R. No. 892 of 2022, dated 13th December 2022, registered with Phaltan Rural Police Station Phaltan, District Satara, for the offences punishable under Sections 307, 394, 392, 384, 385, 386, 387, 364, 364-A, 367, 341, 343, 420, 465, 467, 468, 471, 504, 506 read with 34 of Indian Penal Code, Sections 3 & 25 of Arms Act, 1959.

1.1) On a report by the Investigating Agency the competent Authority had granted prior approval for application of provisions of The Maharashtra Control of Organised Crime Act, 1999 (*For short, "M.C.O.C. Act"*) to the

present crime, as contemplated under Section 23(1) of the said Act.

1.2) After completion of investigation, the competent Authority has granted sanction under Section 23(2) of M.C.O.C. Act, to submit chargesheet before the Court of competent jurisdiction. The Police thereafter have filed chargesheet on 28th April 2023.

1.3) As noted above, the substantive relief in the present Petition is, for quashing of F.I.R..

2) In view of the ratio laid down by the Hon'ble Supreme Court in the case of *Neeta Singh & Ors. Vs. The State of Uttar Pradesh & Ors., Special Leave to Appeal (Cri.) No. 13578/2024, Dated 15/10/2024*, present Petition for quashing of F.I.R. has become infructuous.

3) In view of the legal technicalities as emerged from the record, learned counsel for Petitioners on instructions seeks leave to withdraw Petition to avail substantive alternate remedy, to file an Application for discharge before the trial Court.

3.1) Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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