

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3388 OF 2024

Nishit Patel

.....Petitioner

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Rahul Moghe i/b Ms. Kalyani Rathod, for the Petitioner.

Ms. S.S. Kaushik, APP for Respondent-State

Mr. Rakesh Singh a/w Mr. Vikram Patil, for Respondent No.2

Mr. Sachin Rane, Police Inspector, IO, Bandra Police Station.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 29th JANUARY 2025

P.C.:-

1. This is the second Petition, preferred by the Petitioner, seeking quashing of C.R No.515 of 2017 registered with the Khar Police Station, Mumbai for the alleged offences punishable under Section 306, 506 (Part-II), 34 of the IPC.

2. Learned APP, on instructions, states that the aforesaid CR has been transferred from Khar Police Station to Bandra Police Station on 22nd April 2023.

3. In view of the statement made by learned APP, learned

counsel for the Petitioner seeks leave to amend prayer clause (a). Leave granted. Amendment to be carried out forthwith, during the course of the day.

4. It appears that the said C.R. of 2017 was transferred to Bandra Police Station in April 2023. Despite investigation being transferred in April 2023, learned APP seeks further time to complete the investigation. She submits that appropriate report will be filed in the said case within six weeks from today. Statement accepted.

5. Stand over to **12th March 2025**.

6. Although learned counsel for the Petitioner seeks interim relief, we make it clear, that before granting any interim relief we would like to see the papers of investigation, more particularly, since the earlier order dated 14th September 2022 records that '*we were not inclined to quash the proceeding qua the Petitioner*' pursuant to which the Petitioner withdrew his petition. The Order dated 14th September 2022 reads as under:

"1.After arguing for some time, when the Court was not inclined to exercise its inherent jurisdiction under Section 482 of the Code of Criminal

Procedure, for quashing of the proceedings, learned counsel for the applicant sought leave to withdraw this application.”

7. Learned APP to place the papers before us on the next date.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)