

ANAND  
SUDHAKAR  
SUDAME

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 712 OF 2025

Anand Kataria

.Petitioner

Digitally signed  
by ANAND  
SUDHAKAR  
SUDAME

*Versus*

Gajanan Kaluram Patil & ors.

.Respondents

Date:  
2025.07.29  
19:59:21 +0530

---

Mr. Karansingh Rajput a/w. Mr. Pratik Surti i/b. Mr. Vivek Kakade,  
Advocates, for the Petitioner

Ms. Sangita Phad, APP, for Respondent No. 41 – State

Mr. Anand Bagade, API, EOW, Mumbai present

---

CORAM : S. M. MODAK, J.

DATE : 24.07.2025

P. C.

1. Heard Mr. Rajput, learned Advocate for the Petitioner and Ms. Phad, learned APP for Respondent No. 41 – State.

2. There is a challenge to the Order dated 21.11.2024 passed by learned JMFC, 53<sup>rd</sup> Court, Mulund, Mumbai. The Petitioner has prayed for investigation under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”). However, it was rejected instead of that learned Magistrate directed the Complainant to give the statement under Section 200 of the Code of Criminal Procedure, 1973.

3. The Petitioner wants to plead certain facts which will justify his prayer for an investigation under Section 175(3) of the BNSS. Inadvertently, those facts are not pleaded in the present Petition.

4. Hence, the Petitioner wants to withdraw this Petition with liberty to file a fresh Petition containing those facts also. The Petition stands disposed of. Liberty is granted to file a fresh Petition involving those facts.

**(S. M. MODAK, J.)**