

order for issuing process in a private complaint, except (i) applications seeking review, modification or setting aside of any order passed by a Division Bench; (ii) applications for quashing a FIR, CR, charge-sheet or order directing the investigation under section 156(3) of the Code of Criminal Procedure irrespective of whether such applications have been filed under section 482 simpliciter or read with Article 226 and/or 227 of the Constitution, shall be disposed of by the learned single Judge of this Court.

4. Under the Sitting List published on 8th September 2025, the jurisdiction to deal with criminal writ petitions and criminal applications for quashing of FIR, CR, charge-Sheet and order challenging a direction to investigate under section 156(3) of the Code of Criminal Procedure, 1973/175(3) of Bhartiya Nagrik Suraksha Sanhita, 2023 is with a Division Bench of this Court. The learned Additional Public Prosecutor submits that in view of the intervening fact that cognizance of the offences has been taken by the Court concerned, such judicial order cannot be challenged in a petition under Article 226 of the Constitution of India. According to the learned Additional Public Prosecutor, the appropriate remedy for the petitioner is to challenge the order taking cognizance by filing a petition under section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023.

5. The learned counsel for the petitioner seeks permission to withdraw this petition.

6. Writ Petition No. 1839 of 2025 is disposed of with the aforesaid liberty to the petitioner.

JAYANT
VISHWANATH
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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]