

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 376 OF 2025

Kalyanji Vishwambhar Chaudhary & Anr. ..Applicants
Versus
The State of Maharashtra & Anr. ..Respondents

Ms. Pravada Raut for Applicants.
Smt. M. M. Deshmukh, APP for State/Respondent.

CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 8 APRIL 2025

PC :

1. This is an application for quashing of the proceedings arising out of C.R.No.889 of 2023, registered at Virar police station, on 14.09.2023, under section 135 of the Indian Electricity Act, 2003. Though, the F.I.R. is lodged against the present applicants, learned counsel for the applicants invited our attention to the supplementary statement of the first informant who was the Executive Engineer working with the Electricity Distribution company. That supplementary statement dated 04.02.2023 mentions that he had changed his opinion and now, according to him, one Rakesh Patil was the offender as he was the owner of the said room between the period 10.07.2013 to 10.03.2021, during

which period the meter appears to be tampered with.

2. Learned counsel submitted that, based on this statement, she has a good case for filing a discharge application before the Trial Court. It would be an efficacious remedy. The Applicants are residing in Netherlands. In this view of the matter, she seeks permission to withdraw this application with liberty to prefer an application for discharge before the Trial Court.

3. Permission is granted. The Applicants are at liberty to prefer an application for discharge before the Trial Court. If such an application is filed, it shall be decided on its own merits in accordance with law; as expeditiously as possible.

4. It is clarified that the said application shall be decided without being influenced of the fact of withdrawal of this application. It is made clear that, we have not recorded any adverse opinion against the Applicants on merits of the matter.

5. The application is allowed to be withdrawn and is disposed of with the above observations.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)