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

**INTERIM APPLICATION NO. 2305 OF 2025
IN
SUO MOTO WRIT PETITION NO. 1 OF 2022**

**The State of Maharashtra
(C.R.No.90/2022, at the
instance of Parksite Police
Station)**

.. Applicant

Versus

High Court on its own motion

.. Respondent

Mr. H. S. Venegavkar, Chief Public Prosecutor a/w Mr. Anand Patil, APP for applicant-State.

**CORAM: ALOK ARADHE, CJ. &
N. J. JAMADAR, J.**

DATE: 4th JULY, 2025

ORAL ORDER [Per Chief Justice]:

- 1.** Heard learned Chief Public Prosecutor for the applicant - State.
- 2.** This application is filed by the State seeking permission to withdraw the prosecution in Criminal Case No. 2539/PS/2024 arising from C.R. No. 90 of 2022 registered with Parksite Police Station, Ghatkopar (West), Mumbai, for the offences under Sections 188 read with Section 34 of the Indian Penal Code and Sections 135 read with 37(1) & 37(3) of the Maharashtra Police Act, 1951.

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3. The indictment against the accused persons, namely, Ram Shivaji Kadam, a sitting Member of Legislative Assembly and eight of his party workers, namely, (i) Anil Nivruti Nirmale, (ii) Chandrakant Maruti Malkar, (iii) Chetan Sitaram Bhatkar, (iv) Ganesh Nivrutti Nirmale, (v) Sandeep Rajkumar Tripathi, (vi) Poonam Rajan Nair, (vii) Manisha Raju Bhadarkar and (viii) Deepu Radheshyam Tiwari, is that the aforesaid accused persons assembled near the residence of Ram Shivaji Kadam and shouted slogans against the State Government for issue of notice to Mr. Devendra Fadnavis, the then leader of opposition, by the Cyber Police Station, Mumbai to attend the police station for an enquiry. The accused persons burnt the photocopies of the said notice thereby committing breach of preventive order dated 4th March, 2022 issued by the Commissioner of Police, Mumbai, under Sections 37(1) & 37(3) of the Maharashtra Police Act, 1951. Thereupon, the Criminal Case for offences, as aforesaid, was registered against the accused persons.

4. In the application seeking permission of this Court to withdraw the prosecution, it is stated that the proposal to withdraw the prosecution was placed before the Committee constituted by the State Government. The said Committee has recommended withdrawal of the prosecution in its meeting held on 29th January, 2025. The Public Prosecutor, who is entrusted with Criminal Case No. 2539/PS/2024, has submitted a report that the incident arose out of a political agitation and, in his opinion, prosecution deserves to be withdrawn.

5. We have considered the nature of allegations as well as the gravity of the offences.

6. *Prima facie*, it appears that the genesis of the alleged offences is in a political agitation over the notice issued by the police to Mr. Devendra Fadnavis for his appearance at the police station. The Committee has also noted that there is no loss of life and damage to public property. The parameters stipulated under the Government Resolution for withdrawal of the prosecutions in cases arising out of social and political issues are fulfilled. The decision of the Committee to withdraw the prosecution appears to be guided by considerations which advance the object of withdrawal of the prosecutions arising out of social and political agitations. It does not appear that the prosecution is being withdrawn for an extraneous consideration. An independent application of mind by the concerned Public Prosecutor is also evincible from the report submitted by the Prosecutor.

7. For the aforementioned reasons, we are inclined to allow the application to the extent of granting leave to the State Government to seek the withdrawal of prosecution.

8. In the event the Public Prosecutor files an application for withdrawal of the prosecution, the jurisdictional Court shall pass appropriate orders in accordance with law.

9. Accordingly, Interim Application is disposed of.

(N. J. JAMADAR, J.)

(CHIEF JUSTICE)