



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.1750 OF 2024

[Sanjay Gunwant Band .Vs.. The State of Maharashtra and Others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr S. P. Bodalkar, Advocate for Applicant.
Mr M. J. Khan, APP for Non-Applicants/State.
Mr P. S. Tiwari, Advocate for Non-Applicant Nos.3 to 5.

CORAM : M. W. CHANDWANI, J.

DATE : 21st APRIL, 2025.

1. Heard.
2. The present application has been filed against the action of the complainants of filing complaint.
3. Needless to mention that the request was made before the learned Magistrate for direction to the police to investigate in alleged crime mentioned in the application which came to be refused by the learned Magistrate directing that the said application be registered as Regular Criminal Complaint and it is at the stage of verification.
4. It is not in dispute that till date, the learned Magistrate has not taken cognizance. It is settled law as enunciated in the case of *Delhi Race Club (1940) Limited and Others vs. State of Uttar Pradesh and Another, (2024) 10 SCC 690* relied upon by the learned counsel for the non-applicants, that under criminal procedure code, the accused cannot participate at the pre-cognizance stage. Therefore, the petition is prematurely filed.

5. At this stage, the learned counsel for applicant seeks withdrawal of the application with a liberty to file appropriate proceedings, if any process is issued in the complaint filed by the non-applicant Nos.3 to 6.

6. In view of the above, the criminal application is disposed of with above said liberty.

JUDGE

Tambe