



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

CRIMINAL APPLICATION (APL) NO.1749 OF 2024

[Sagar Narendra Gandhi and Others **..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 Avinash Gupta, learned Senior Counsel a/b Mr Aakash Gupta, Advocate for Applicants.
Mr M. J. Khan, APP for Non-Aplicants/State.

CORAM : M. W. CHANDWANI, J.

DATE : 21st APRIL, 2025.

1. Heard.
2. The present application has been filed for quashing of Misc. Criminal Case No.15 of 2024 pending before the Court of Judicial Magistrate First Class, Hingna.
3. The contention is that during pendency of the application, the police submitted a report under Section 202 of the Code of Criminal Procedure, 1973 before the learned Magistrate stating therein that no offence is made out which is under consideration before the learned Magistrate. The learned Magistrate is yet to apply his mind and to pass an appropriate order, whether to accept the report and dismiss the complaint or choose any other course. But, the fact remains that the learned Magistrate has not taken any cognizance of the matter till date. Therefore, the accused has no say at the pre-cognizance stage. Consequently, the petition is prematurely filed.

4. At this stage, the learned Senior counsel for applicants 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 and 4.

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

JUDGE

Tambe