

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 128 OF 2025

Avinash Mahesh Mishra

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. K. H. Giri a/w Mr. Pratik Yadav, Ms. Prachi Gupta & Mr. Dhavan Giri,
learned Advocates for the Applicant.

Mr. Prasanna P. Malshe, learned A.P.P. for the State/Respondent.

PSI Mr. Somnath Avhad attached to Tilak Nagar Police Station, Mumbai
is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th JANUARY 2026.

P.C. :

1. By the present Application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant has sought for the following substantive relief :-

“a. This Hon’ble Court be pleased to quash the FIR registered against the Applicant u/s. 74, 75, 78, 79, 115(2), 351(2), 352 of B.N.S. Act, 2023 r/w S. 66(E) and 67 of IT Act, 2000 dated 07/09/2024 and Charge-sheet/Police Report vide C.C. No. 1572/PW/2024, pending on the file of Ld. Judicial Magistrate First Class, Vikhroli, Mumbai, culminated out of Tilak Nagar Police Station, FIR No. 444/2024.”

2. Mr. Giri, learned Advocate for the Applicant on instructions from the Applicant craves leave to withdraw the present Criminal Application with liberty to file an Application seeking discharge

before the Trial Court at an appropriate stage.

3. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent does not object for grant of the request made by Mr. Giri, learned Advocate for the Applicant.

4. If such Application is filed by the Applicant before the learned Trial Court, the same be considered on its own merits and in accordance with law.

5. In view of the above, leave to withdraw the present Criminal Application is granted. Criminal Application No. 128 of 2025 is disposed of as withdrawn with liberty as prayed.

[ASHWIN D. BHOBE, J.]

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