

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 284 OF 2026

VAISHALI
ANIL
TIKAM

Shakil Patanwala and Ors. ... Petitioners

V/s.

State of Maharashtra and Anr. ... Respondents.

Digitally signed
by VAISHALI
ANIL TIKAM
Date:
2026.01.30
19:46:40
+0530

Mr. Moiez R. Shaikh, Advocate for the Petitioners.

Ms. Pallavi Dabholkar, learned APP for the State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 28th JANUARY, 2026

P.C. :

1. By the present Petition filed under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 ('BNSS'), the Petitioners have sought for the following substantive reliefs :

"(a) Issue appropriate writ in the nature of Certiorari and/or any other appropriate writ under Article 226 of the Constitution of India, 1950 to call for records pertaining to private complaint registered as Criminal M.A. No. 6423 of 2025, under Sections u/s. 436, 438, 354, 354B, 354D, 237, 341, 145, 147, 148, 150, 151, 153 AA, 188, 195A of the Indian Penal Code, 1860, pending before the Hon'ble Joint Civil Judge, Junior Division, at Mira-Bhayandar.

(b) Issue appropriate writ in the nature of Certiorari

and/or any other appropriate writ under Article 226 of the Constitution of India, 1950 and u/s. 58 of the BNSS and/or direction and/or order to quash private complaint registered as Criminal M.A. No. 6423 of 2025, under Sections u/s. 436, 438, 354, 354B, 354D, 237, 341, 145, 147, 148, 150, 151, 153AA, 188, 195A of the Indian Penal Code, 1860, pending before the Hon'ble Joint Civil Judge, Junior Division, at Mira-Bhayandar and all consequential proceedings/including summon issued to the Petitioners arising therefrom."

2. Ms. Dhabholkar, learned APP for the State submits that the order impugned is dated 24/08/2024. By the said order the Magistrate has issued process. She submits that the said order is a revisable order and as such, revision would be maintainable under Section 438 of BNSS. She submits that such remedy has to be availed by the Petitioners before the Sessions Court at the first instance.

3. Upon the said objection being raised, Mr. Moiez Shaikh sought a pass over. After some time, at his request, the matter is taken up. He, on instructions from the Petitioners, craves leave to withdraw this Petition with liberty to approach before the Sessions Court by filing a criminal revision application, challenging the impugned order. He submits that the Petitioners were bonafidely

pursuing the remedy before this Court. He submits that the proposed revision will be beyond the period of limitation and, therefore, the application for condonation of delay, which would be filed with the proposed criminal revision application be considered liberally. Mr. Shaikh states that such revision would be filed within a period of four weeks from today.

4. Ms. Dabholkar, learned APP for the State does not object to the said request made by the Petitioners.

5. In view of the above, leave granted to withdraw the present Petition with the liberty as prayed. If the criminal revision application is filed by the Petitioners before the Sessions Court having jurisdiction within a period of four weeks from today, then the request for condonation of delay in filing be considered liberally after hearing all the parties concerned. Petitioners would be entitled to the benefit under Section 14 of the Indian Limitation Act, 1963 for the time spent in pursuing the remedy before this Court.

7. Writ Petition No. 284 of 2026 is disposed of in the aforesaid terms.

(ASHWIN D. BHOBE, J.)