

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA
ON THE 21st OF FEBRUARY, 2024
WRIT PETITION No. 3084 of 2024**

BETWEEN:-

**RAHUL JOHRI S/O SHRI RAJKUMAR JOHRI, AGED
ABOUT 47 YEARS, OCCUPATION BUSINESS, R/O 143,
MALVIYA NAGAR, BHOPAL (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI K.L. GUPTA - ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH THROUGH
POLICE STATION KOTWALI BHOPAL (MADHYA
PRADESH)**
- 2. RAHUL RASTOGI ALSO KNOWN AS ANKIT
RASTOGI S/O SHRI DIWAKAR RASTOGI, AGED
ADULT, R/O PRIYANKA JEWELERS KOTWALI,
BHOPAL (MADHYA PRADESH)**
- 3. PANKAJ RASTOGI S/O SHRI DIWAKAR RASTOGI
AGED ADULT, R/O PRIYANKA JEWELERS,
KOTWALI, BHOPAL (MADHYA PRADESH)**
- 4. M/S RAJSHRI JEWELERS THROUGH
PROPRIETOR SHRI VIJAY AGARWAL R/O
JAWAHAR BHAWAN, ROSHANPURA SQUARE,
NEW MARKET BHOPAL (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI SWAPNIL GANGULY - DEPUTY ADVOCATE GENERAL FOR
RESPONDENT NO.1/STATE)***

This petition coming on for admission this day, the court passed the

following:

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:

- a) That the name of the petitioner should be added in the FIR filed with the respondent no. 1 bearing Crime No. 283/2023.
- b) That the respondent no. 1 be directed to confiscate the jewelry of the petitioner from the respondent no. 4.

2. After arguing the matter at length, counsel for the petitioner fairly conceded that in the light of judgments passed by Supreme Court in the cases of **Sakiri Vasu vs. State of U.P.** reported in **(2008) 2 SCC 409**, **Aleque Padamsee and others Vs. Union of India & Ors.** reported in **(2007) 6 SCC 171**, **Divine Retreat Centre Vs. State of Kerala and others** reported in **(2008) 3 SCC 542**, **Sudhir Bhaskarrao Tambe Vs. Hemant Yashwant Dhage and Others** reported in **(2016) 6 SCC 277** and a Division Bench of this Court in the case of **Shweta Bhadauria Vs. State of M.P. & Ors.** decided on **20.12.2016 in Writ Appeal No.247/2016**, petitioner has efficacious remedy of approaching the Court of competent Magistrate under Sections 156(3) and 200 of Cr.P.C.

3. Accordingly, he seeks permission of this Court to withdraw this petition with liberty to avail the statutory remedy available to petitioner under Sections 156(3) and 200 of Cr.P.C.

4. With aforesaid liberty, petition is **dismissed as withdrawn.**

(G.S. AHLUWALIA)
JUDGE