

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 644 OF 2009

ICICI Bank Ltd.,
A Registered Company,
Having its Registered Office at
Landmark Race Course Circle,
Vadodara- 390 007,
And having its Branch Office at
2nd Floor, Raghuveer Complex,
Opp. District Court, Adalat Road,
Aurangabad,
Through its Authorized Signatory &
Power of Attorney Holder
Shri Pravin s/o Shrinivasan Kunigalkar

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) The Investigation Officer,
Vasmat Police Station, Hingoli,
- 3) Chandrashekhar Gallaya Nallewar,
Age-45 years, Occu:Business,
R/o-Plot No.137, Bank Colony,
Behind Police Quarters,
District-Hingoli.

...RESPONDENTS

...

Mr.Umesh N. Shete Advocate for Petitioner.
Mr.B.L. Dhus, A.P.P. for Resp. Nos.1 and 2.
Mr.S.J. Salunke Advocate for Respondent No.3.

...

**CORAM: A.B. CHAUDHARI AND
 INDIRA K. JAIN, JJ.**

DATE : 11TH SEPTEMBER, 2015

ORDER :

1. Following is the prayer clause (B) in
this Petition:-

“(B) The Hon'ble High Court may kindly be
pleased to quash the FIR vide Crime
No.117/2009, U/sec.420, 406, 408, 467,
468, 500, r/w 34 of I.P.C. registered with
Police Station, Vasmat, Dist-Hingoli.”

2. Following is the order passed by the
learned Magistrate:-

“ ORDER

Call report u/s.156(3) of the Cr.P.C.”

3. Having perused the above order passed by
the Magistrate, we are satisfied that the same is
in contravention of the various pronouncements of
the Apex Court including latest Judgment in the

case of **Priyanka Srivastava and another vs. State of Uttar Pradesh and others**, reported in (2015) 6 Supreme Court Cases 287.

4. In the result we make the following order:-

O R D E R

(I) Criminal Writ Petition No.644 of 2009 is partly allowed.

(II) the impugned order dated 23rd June 2009 passed by the J.M.F.C, Vasmat is quashed and set aside.

(III) The proceedings are remitted to the concerned J.M.F.C. for making fresh consideration, in the light of various pronouncements of the Apex Court including the Judgment in the case of **Priyanka Srivastava**, cited supra.

[INDIRA K. JAIN, J.]

[A.B. CHAUDHARI, J.]