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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2604 OF 2015

Mr. Amit Vijaykumar Khandelwal and ors.Petitioners
versus
The State of Maharashtra and ors.Respondents

Mr. R. B. Raghuvanshi along with Mr. Ratnesh Dube i/b. Mr. Jagdish G. Aradwad (Reddy), advocate for the petitioners.
Mr. S. K. Shinde, PP along with Mr. K. V. Saste, APP for the State.

CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.

DATED : 9th JULY, 2015.

P.C.:

Heard Mr. Raghuvanshi, learned counsel for the petitioners
and Mr. Shinde, learned PP for the State.

2. The petition is filed for quashing of FIR bearing C.R. No.166/2015 registered with Karmala Police Station, Karmala, District – Solapur for the offences punishable under Section 379 read with Section 34 of the Indian Penal Code, 1860. The petitioners are also seeking direction to stay further proceedings of the said FIR, a copy of which is annexed at page 76. Perusal of the FIR *prima facie* discloses commission of an offence under Section 379 of the Indian Penal Code, 1860. Investigation is also in progress. We are, therefore, not inclined to quash the FIR. The prayer for stay, therefore, cannot be granted.

3. By prayer clause (c), the petitioners are seeking direction to respondents to release all their trucks which are seized on the basis of the subject FIR. The petitioners, in this regard, have an alternative efficacious remedy to approach the Magistrate under Section 457 of the Code of Criminal Procedure, 1973. We are, therefore, not inclined to grant this prayer also.

4. However, in the event, the petitioners make an application for return of property viz. the trucks in question, under Section 457 of the Code of Criminal Procedure, 1973 before the Magistrate, within a period of one week from today, the same shall be disposed of as early as possible and preferably within a period of one week from filing of the same.

5. In the light of the above observations, the petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)