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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2585 OF 2014**

A. R. Boothalingam Pillai and anr.Petitioners
versus
The State of Maharashtra and anr.Respondents

Mr. Kiran Kulkarni i/b. Kulkarni and Associates, advocates for the petitioners.
Mrs. U. V. Kejriwal, APP for the State.
Mr. Osman Chishty, advocate for respondent No.2.

**CORAM : RANJIT MORE &
ANUJA PRABHUDESSAI, JJ.**

DATED : 9th JUNE, 2015.

P.C.:

Heard.

2. The petitioner seeks quashment of FIR No.354/2013 filed before the Wadala Truck Terminal Police Station, Mumbai mainly on the ground that similar FIR was filed with Nagercoil Police Station at Kanyakumari, Tamil Nadu, and secondly, in the said FIR, it was alleged by respondent No.2 that the cheque was given to I. Kezhson by Augustin Gnanadhas. He relied upon the report dated 20th August, 2013 of Deputy Superintendent of Police, District Crime Branch, Nagercoil.

3. Learned counsel for respondent No.2 submits that the disputed cheque is cheque No.049801. Respondent No.2 was initially under the impression that the same was given to I. Kezhson by his brother-Augustin Gnanadhas, but subsequently, he found that the said cheque is stolen by his manager-P.Palace Durai and was submitted in the bank by the petitioners.

4. Perusal of the report of the Deputy Superintendent of Police Station District, Crime Branch, Nagercoil reveals that respondent No.2's petition was closed. This report does not disclose registration of any FIR. It seems that the preliminary inquiry was held and since respondent No.2 did not come forward to give any statement or report, the said petition was closed.

5. The petitioners' contention that respondent No.2 took contradictory stand as to who has stolen the cheque, cannot be a ground to quash the FIR at this stage. In our opinion, the allegations of respondent No.2 needs to be investigated by an investigating officer. We are, therefore, not inclined to interfere in this petition. The petition is, accordingly, dismissed.

6. At this stage, learned counsel for the petitioners seek continuation of ad-interim order granted earlier. Mrs. Kejriwal, learned APP, having taken instructions from officer concerned- Mr.S.S.Kumbhar, API, Wadala Truck Terminal Police Station, makes a statement that no coercive action shall be taken against the petitioners for two weeks from today. In view of the statement, the request of learned counsel for the petitioners for continuation of ad-interim order is rejected.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)