

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4439 OF 2014**

Nidhi Mehta & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Manish Bohra i/b. A.S.Khan & Associates for the Petitioner.

Mr. Nikhil Rajani a/w. Nilesh Bamne i/b. V. Deshpande & Co., for the Respondent no.2.

Mrs. R.V.Newton, APP for the State.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : OCTOBER 12, 2015.**

P.C.

1. Heard. Rule. Rule made returnable forthwith. With consent of the parties, petition is taken up for hearing.
2. The petitioners, who are the accused nos.4, 6 and 7 in C.C.No.443/SS/2014, have challenged the order dated 25th April, 2013 whereby the learned Metropolitan Magistrate, 58 Court, Bandra, Mumbai has issued process under Section 138 r/w. 141 of the Negotiable Instruments Act.
3. The respondent no.2 had initiated proceeding against the accused no.1 company- Goldyne Ventures & Holdings Pvt. Ltd. and

six others for offence under Section 138 of N.I.Act for dishonour of cheque dated 15.11.2013 for Rs.5,00,000/-.

4. Learned Counsel for the petitioners has submitted that the petitioners were not associated in any manner with the accused no.1 company and hence could not have been prosecuted either under Section 138 or 141 of N.I.Act, for any offence allegedly committed by the accused no.1 company.

5. Learned Counsel for the respondent fairly concedes that there is no material to indicate that the petitioners herein were in any manner associated with the accused no.1 company. In the light of the said statement, the petitioners cannot be prosecuted for offence under Section 138 r/w. 141 of the Negotiable Instruments Act in respect of offence committed by the accused no.1 company.

6. Under the circumstances, the petition is allowed. Impugned order dated 25th April, 2014 in C.C.No.443/SS/2014 passed by the Metropolitan Magistrate, 58th Court, Bandra, is hereby quashed and set aside qua the petitioners.

(ANUJA PRABHUDESSAI, J.)