

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION No. 4191 OF 2013**

Mr. Vinod Kanabar of Mumbai  
Aged about 61 years, adult,  
Indian Inhabitant,  
residing at 128/130, Walkeshwar,  
Waid Mahal, Mumbai 400 006. ..Petitioner.

**Versus**

1. State of Maharashtra  
through Byuclla Police Station.

2. Sudhakar Shankarrao Suradkar,  
returnable on 801, "Bullet" Gazetted  
Police Officers CHS Ltd, L. N. Road,  
Hindu Colony, Dadar (E), Mumbai 19. ..Respondents.

Mr. K. H. Holambe Patil for the Petitioner.  
Mr. K. V. Saste, learned APP for the State.  
Mr. S. S. Suradkar, Respondent No. 2 in-person.

Coram : RANJIT MORE &  
V. L. ACHLIYA, JJ.  
Date : **December 9, 2015.**

**P. C. :**

1. Rule. Rule is made returnable forthwith. Since controversy involved in the petition is in narrow compass, by consent of the parties, petition is taken up for final disposal.
2. Heard Mr. Patil, learned Counsel appearing for the Petitioner, Mr. Saste, learned APP for the State and Mr. Suradkar,

Respondent No.2 in-person.

3. The petition is filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India as well as under section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of CC No.74/PS/14 pending on the file of 25<sup>th</sup> Metropolitan Magistrate, Mazgaon, Mumbai.

4. The facts of this case and the facts of Writ Petition No.4190 of 2013 are almost identical with the exception that the defamatory article in the instant case was published in Gujarat Samachar whereas the defamatory article in the said writ petition was published in Mumbnai Mirror. Besides, the issue involved in the instant petition and the issue involved in the said writ petition is one and the same. The said writ petition is disposed of today by a detailed judgment. Therefore, for the reasons stated in the judgment passed today in Writ Petition No. 4190 of 2013, rule is made absolute in the instant petition in terms of prayer clauses (b) and (c).

**[V. L. ACHLIYA, J.]**

**[RANJIT MORE, J.]**