

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.338 OF 2015

Mr Surjit Gupta and others	... Petitioners
v/s	
The State of Maharashtra and others	... Respondents

Mr Ashish Agarkar i/b Mr Nilesh Tribhuvan for Petitioners.
Mr K.V. Saste, APP for Respondent No.1.

CORAM: A.S. OKA AND A.A. SAYED JJ.

DATE : 3RD OCTOBER 2016.

P.C. :-

1. The substantive prayer made in this Petition under Article 226 of the Constitution of India is prayer clause (a) which reads thus :-

“(a) this Hon'ble Court be pleased to quash C.R. No.I 106 of 2012 registered at Nalasopara Police Station, Mumbai and Case No._____ pending before Hon'ble Vasai Court, Mumbai under section 498 r/w 34 of Indian Penal Code may be quashed;”

2. The same Petitioners filed Criminal Writ Petition

No.2503 of 2012 in this Court for quashing the FIR. The said Writ Petition was dismissed on merits by a Division Bench of this Court by order dated 11th June 2013 by recording reasons. The present Petition is filed for quashing the same FIR and charge-sheet filed on the basis of the said FIR.

3. The documents on which reliance is placed in this Petition by the Petitioners were certainly available to the Petitioners when earlier Writ Petition was filed in the year 2012 which was dismissed on 11th June 2013.

4. Therefore, this is not a fit case where Petitioners should be allowed to invoke extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Accordingly, Writ Petition is rejected. However, all contentions on merits are kept open. This order will not preclude the Petitioners from filing appropriate proceedings in accordance with law before the concerned Court.

(A.A. SAYED J.)

(A.S. OKA J.)