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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 523 OF 2016

Office Notes, Office
Memoranda of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

Mr. Ranjit Thorat, Sr. Advocate i/by Mr. P. B. Naiknaware for petitioner.
Mrs. M. M. Deshmukh, APP for State.

**CORAM : NARESH H. PATIL AND
A. M. BADAR, JJ.**

May 05, 2016.

P.C. :

It is submitted that the petitioner filed a complaint addressed to Senior Police Inspector , Navi Mumbai Police Station on 22/6/2015. Second para of the said complaint reads as under :-

“The Culprit/Accused was also one of the partners with us. In order to run our partnership business, we had open our Bank Account in Canara Bank Kalamboli & another

at ICICI Bank at Ajmer in the name of our partnership business as M/s. Shipra Transport & Logistics. Our Chartered Account was M/s N. Patidar & Company situated at Balaji Complex Opp. Central Bank, Kamal Chowk, Neemuch (M.P.), Pin - 458441 Mob No.09425106735 / 09425923135, 07423-221397, 403459.”

It is further submitted that a certificate annexed at Exhibit “C” to the petition was signed by the Chartered Accountant for N. Patidar and Company was also produced before the police during enquiry. The Investigating Officer in a communication dated 16/12/2015 informed the petitioner that after conducting preliminary enquiry, it was decided to close the matter.

Learned Senior Counsel submits that the complaint discloses a cognizable offence and, therefore, F.I.R. ought to have been registered.

We have perused the material placed before us, considered the submissions advanced by the learned Senior Counsel and the learned APP for the State.

In the facts, prima facie, it is noticed that issues like accounting, auditing, entries, books of accounts, financial transactions etc. are involved. Without expressing any opinion, we observe that in case the petitioner desires to initiate criminal proceeding, petitioner may resort to alternate remedy prescribed under Cr.P.C. All issues on merits are kept open.

Petition is disposed of accordingly.

(A. M. BADAR, J.)

(NARESH H. PATIL, J.)