

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

WRIT PETITION NO. 2461 OF 2014

M/s. JIK Industries Ltd.	...	Petitioner
V/s.		
The State of Maharashtra & others	...	Respondents

Mr. S.G. Deshmukh with Ramdas Shelke i/b. Gautam Kanchanpurkar for the petitioner.

Mr. K.S. Patil i/b. Dipali G. Mainkar for respondent no.3.
Mrs. M.M. Deshmukh, APP for the State.

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

7th April, 2016.

P.C.

The petitioner raises question regarding the proceedings initiated by the Special Executive Magistrate, Vartak Nagar Police Station, Thane initiated by the DCP, Zone V under Section 145 of Criminal Procedure Code (hereinafter referred to as Cr.P.C.) dated 17th September, 2012 and consequent proceedings thereof.

2. Learned Counsel appearing for the petitioner and Counsel appearing for respondent no.3 submit that in respect of the subject document i.e. joint venture agreement dated 28th March, 2007, arbitration proceedings under (i) Section 9 application; (ii) Section 11 application

under Arbitration and Conciliation Act, 1996 are going on.

3. It is a matter of fact now that this petition is pending since the year 2014 raising challenge to the proceedings initiated under Section 145 of Cr.P.C. in the year 2012.

4. Even otherwise the outcome of the arbitration proceedings or any decision reached on the subject matter by a civil forum would be determinative factor for considering as to whether proceedings under Section 145 of Cr.P.C. should be continued or not. As parties have already resorted to arbitration proceedings, both the learned Counsel appearing for respective contesting parties on instructions submit that they would submit appropriate purshis before the concerned authority for dropping the proceedings under Section 145 of Criminal Procedure Code.

5. The learned Counsel appearing for petitioner and respondent submits that in the last four years there was no occasion of any breach of peace in respect of subject property between the parties.

6. The parties may file appropriate purshis before the concerned authority. The concerned authority after taking into consideration all necessary facts and circumstances would take appropriate decision in respect of the prayer made by the contesting parties in the purshis which would be submitted before the concerned authority. Needless to mention that in case the concerned authority decides to drop the proceedings, the authority is not powerless in future to resort to appropriate proceedings in case of any breach of peace.

7. With aforesaid observations, Petition is disposed of.

(A.M. BADAR, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)