

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

CRI. WRIT PETITION NO. 2427 OF 2013

Harish Pannalal Shah ... Petitioner.

V/s.

The State of Maharashtra & Anr. ... Respondents.

WITH

CRI. WRIT PETITION NO. 2413 OF 2013

Basagond Satyapa Kadoli ... Petitioner.

V/s.

The State of Maharashtra & Anr. ... Respondents.

WITH

CRI. WRIT PETITION NO. 2441 OF 2013

Ketan Gunwantraai Shah ... Petitioner.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Anil G. Lalla a/w. Mr. Karan Mehta & Ms.Beerta H. Bajwa
i/by Lalla & Lalla for the Petitioner in all the Petitions.

Mr. F. R.Shaikh, APP for the State.

Mr. Bhupendra Parekh, Respondent No.2- in-person.

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI, JJ.**

DATE : 22nd NOVEMBER, 2016

P.C. :

1 Heard the learned appearing on behalf of the Petitioner in all the above petitions and Respondent No.2 who is appearing-in-person.

2 Learned counsel for the petitioners has invited our attention to the order passed by this court dated 26th April, 2012 in Writ Petition no. 1472 of 2012. He further submitted that the Respondent No. 2 had obtained the order by suppressing certain facts from this court. He submitted that, therefore, the FIR which has been registered pursuant to the said order is liable to be quashed.

3 It is not in dispute that the offence under sections 420, 465, 467, 468, 471 r/w. 34 of the Indian Penal Code was registered against the Petitioners. It is well settled that this court while exercising its jurisdiction under Article 226 of the Constitution read with section 482 of the Cr. P.C. is very slow in quashing the criminal complaints because the police have a right to investigate and submit report. We are, therefore, not inclined to quash the complaints, reserving the right of petitioners to take out appropriate proceedings, in the event the chargesheet is filed. The Petitioners are also at liberty to

take out applications for anticipatory bail. If such an application is filed, the same may be decided on merits, uninfluenced of the fact that these petitions for quashing the FIR are dismissed by this court.

4 The writ petitions are dismissed in the above terms.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

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