

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3057 OF 2015

Mohammed Fazal Abdul Kabir. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Karan Bhosale i/b Mr. O. A. Siddiqui for the Petitioner.
Mrs. M. M. Deshmukh, learned APP for the State.

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.
Date : **February 29, 2016.**

P. C. :

1. Heard Mr. Bhosale, learned Counsel appearing for the Petitioner. What has essentially been assailed in this petition under Article 226 of the Constitution of India is the issuance of direction by the Magistrate for investigation under section 156(3) of the Code of Criminal Procedure, 1973.

2. Mr. Bhosale, learned Counsel appearing for the Petitioner submitted that the cheques in respect of which allegations of forgery are made by 2nd Respondent, are in fact given by 2nd Respondent towards the security of loan and in this regard complaints are filed by the Petitioner before the concerned Magistrate which are pending for trial. He submitted that present complaint is filed by 2nd Respondent as a counter blast to those proceedings taken out by the Petitioner under section 138 of the Negotiable Instruments Act. We are unable to

agree with the submission of Mr. Bhosale. In paragraph 6 of the complaint, 2nd Respondent has referred to cheques by their numbers, viz., Cheque No. 284099 which was for Rs.12,34,000/-, Cheque No. 284110 which was for Rs.10,00,000/- and Cheque No.717933 which was for Rs.5,00,000/-. He has specifically stated in the complaint that these cheques were not signed by him and that there was no liability upon him of the Petitioner and therefore there was no question of issuing any cheque to the Petitioner. He has also specifically stated that his signatures on these cheques are forged by the Petitioner.

3. At the stage of quashing, this Court is not expected to go into veracity of the allegations. The allegations made in the complaint are, at this stage, required to be taken at their face value. Having perused the complaint, we are of the view that order made by the Magistrate cannot be faulted with. The petition is devoid of any substance and the same is, therefore, dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]